THE ROLE OF THE ANGLICAN CHURCH AND ITS CLERGY IN THE POLITICAL LIFE OF COLONIAL VIRGINIA

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PREFACE

During the colonial period in America, the Church of England was the established church in the five southernmost colonies and in parts of New York. The strength of the establishment in the different colonies varied considerably, but it was by far the greatest in Virginia. The purpose of this study is to examine the extent and nature of the role played by the Anglican Church and its clergy in the political life of colonial Virginia. Chronologically, the period covered extends from the founding of Virginia in 1607 to the disestablishment of the church in 1786.

The Anglican Church in Virginia has been the topic of considerable investigation. There are some fine general histories and a number of excellent studies on special aspects of the subject such as the vestry system, the struggle for religious toleration and freedom, and the separation of church and state. The area probably most in need of further examination is, that of the Commissary. Between 1689 and 1776, Virginia had six Commissaries. The first one, James Blair, occupied the office for fifty-four years and yet the only extensive work on him is in the form of an unpublished doctoral dissertation. The remaining five Commissaries, spanning a period of thirty-three years have received only limited treatment.

The length of time covered by this work indicates the author's intention to present an overall, broad view of the interaction between the established church, its clergy, and politics throughout the colonial period in Virginia, rather than an intensive, specialized study of any one aspect.

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CHAPTER I

THE CHURCH, THE CLERGY, AND THE VIRGINIA COMPANY

The close relationship between church and state in England during the sixteenth and seventeenth centuries permeated the realm of exploration and colonization. In 1497, John Cabot, sailing under the auspices of Henry VII, carried with him a minister of the yet unreformed Church of England. The following year a royal bounty of twenty pounds was issued to Lanslot Thirkill, a London priest, for going to Newfoundland. The ill-fated expedition of Hugh Willoughby, which set out in 1553 to discover a northern passage to the Far East, put to sea with a minister, Richard Stafford, with instructions to engage in daily religious activities. Even Drake and Cavendish in their devastating attacks on the Spanish Main carried chaplains. When Drake landed near the present site of San Francisco, in 1579, his chaplain, Francis Fletcher, conducted religious services ashore. The previous year, Martin Frobisher, on a trip to explore the Hudson Bay region, took with him a minister appointed by Queen Elizabeth, a Reverend Wolfall. To Wolfall goes the distinction of having conducted the first Protestant English services on the shores of North America.[1]

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[1] William Stevens Perry, The History of the American Episcopal Church, 1587-1883 (Boston: James R. Osgood & Company, 1885), I, 1-15. Raymond W. Albright, A History of

The charters granted by Queen Elizabeth to Humphrey Gilbert and Walter Raleigh for colonization in America were very generous in the delegation of authority to these leaders and their associates, but all laws made by them in any of their future colonies had to conform to the laws of England and to the Christian faith as professed by the Church of England.[2] Thus the Church of England was to be established in all colonies which Raleigh and Gilbert might settle. Religious services were conducted at Raleigh's Roanoke colony by an Anglican minister. A momentous service was held in August, 1587, when Virginia Dare, the first English child born in America, and Manteo, a friendly Indian convert, were baptized by an anonymous clergyman of the Church of England.[3]

By the beginning of the seventeenth century, the association of church and state in exploration and colonization had become traditional and commonplace and the founding of Virginia provided an even fuller expression of this policy.

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the Protestant Episcopal Church (New York: Macmillan Company, 1964), 12-13.

[2] The charters issued to Gilbert and Raleigh were very similar. Both were recorded by Richard Hakluyt, The Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation (Everyman's Library edition; New York: E. P. Dutton & Company, 1907), V, 349-355; VI, 115-121.

[3] Perry, History of the American Episcopal Church, I, 18-23. Albright, History of the Protestant Episcopal Church, 13.

The religious motive was a very important factor in the creation of the Old Dominion.[4] This cooperation between the two elements is clearly discernible in the charters and other related documents and instructions issued to the Virginia Company. The third paragraph in the preamble of the charter of 1606 stated that one of the foremost reasons for the establishment of the colony was the propagation of the gospel.[5] In November of the same year, instructions were issued by the King for the creation of the government of Virginia and the establishment of the Church of England. The president and the council of the company were instructed to provide,

> . . . that the true word and service of God and Christian faith be preached, planted and used, not only within every of the said several Colonies and plantations but alsoe as much as they may amongst the salvage people which doe or shall adjoine unto them or border upon them, according to the doctrine, rights and religion now professed and established within our realme of England.[6]

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[4] Charles M. Andrews, The Colonial Period of American History (New Haven: Yale University Press, 1934), I, 65-67. Perry Miller, "The Religious Impulse in the Founding of Virginia: Religion and Society in Early Literature," William and Mary Quarterly, third series, V (1948), 492-522; and "Religion and Society in Early Literature: The Religious Impulse in the Founding of Virginia," ibid., VI (1949), 24-41. Although the second article is a continuation of the first, the titles are reversed as indicated.

[5] Samuel M. Bemiss, The Three Charters of the Virginia Company of London with Seven Related Documents; 1606-1621 (Williamsburg: The Virginia 350th Anniversary Celebration Corporation, 1957), 2.

[6] Ibid., 15.

Any person or persons attempting to cause members of the colony to deviate from their allegiance to the church or to the crown were to be punished.[7]

The Virginia Company appointed Richard Hakluyt, Prebendary of Westminster, to be the first rector of Jamestown. However, he was too old to undertake so rigorous a life that would be required by colonization in America. He accepted the position, but sent Robert Hunt, Vicar of Reculver in Kent, in his stead.[8] Both clergymen, Hakluyt and Hunt, had been early and active supporters of the whole program for the colonization of Virginia.[9]

From its inception, Virginia had an established church. Before the first settler stepped ashore at Jamestown, the Church of England had been instituted as an integral part in the life of the future colony. The charters and instructions issued to the company boldly announced that one of the primary purposes of the undertaking was the extension of the church and the evangelization of the heathen. Thus the Church of England became the only organized religious body to serve Virginia continuously throughout the entire colonial period.

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[7] Ibid.

[8] Edward Arber, ed., Captain John Smith's Works (Birmingham, England: 1884), 958. George MacLaren Brydon, Virginia's Mother Church and the Political Conditions Under Which It Grew (Richmond: Virginia Historical Society, 1947), I, 1. Brydon indicated that "pluralities" (i.e., a clergyman holding more than one position simultaneously) were common in England at this time, and therefore nothing was unusual in Hakluyt's accepting the rectorship of Jamestown although he currently held another ecclesiastical position, nor with his sending a representative in his place.

[9] Bemiss, Charters of the Virginia Company, 1. Arber, Captain John Smith's Works, 385-386. William Stith, The History of the First Discovery and Settlement of Virginia (Williamsburg: William Parks, 1747), 35.

The first colonists arrived at Virginia late in April, 1607, at which time seven councilors appointed by the company were sworn into office and Edward Maria Wingfield was elected president.[10] The Reverend Mr. Hunt began to conduct regular religious services. The chapel was effectively out of doors, covered by an awning tied to several trees, with seats of logs and a pulpit consisting of a piece of wood nailed between two trees. In foul weather the services were held in an old rotten tent which was all that was available. This arrangement continued until a church was built, which Smith described as "a homely thing like a barne."[11] Morning and evening prayers were conducted daily, two sermons were preached on Sunday, and every three months the Sacrament of Holy Communion was administered. This procedure was followed prior to Hunt's death in 1608, after which time the daily prayers were continued and homilies were delivered on Sundays until additional clergymen arrived some two to three years later.[12]

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[10] Accounts of the establishment and early development of Virginia are numerous. Smith's works contain considerable detail; see especially his history of Virginia reprinted in Arber, Captain John Smith's Works, 289-622. See also Stith, History of Virginia. Smith's history, of course, is a contemporary account; Stith's was published in 1747; both works end with events in 1624.

[11] Arber, Captain John Smith's Works, 957.

In 1609, James I issued a new charter to the Virginia Company which placed the control of the colony entirely within the hands of the company. The authority of the company council was expanded and centralized and the office of the Lord Governor and Captain General of Virginia was created, which placed absolute executive authority in the hands of one man appointed for life, but subject, of course, to the company's council in England. The Governor could appoint his own colonial council as well as other subordinate officers including a deputy to serve during his absence from the colony.[13] In addition, the Governor was authorized to impose martial law in the advent of mutiny or rebellion.[14]

The charter of 1609 also provided for the incorporation of the company and listed its membership.[15] A number of clergymen were mentioned including Richard Hakluyt and James, Lord Bishop of Bath and Wells,[16] who was also appointed to the Council.[17] Thus the clergy continued to be active in the affairs of Virginia and in the governing of the colony by the company council. The final paragraphs of the charter stated anew the missionary motive as one of the principal reasons for the colony. Roman Catholics were barred from the colony and all other persons desiring to go were required to take the Oath of Supremacy,[18] a practice which had been in effect since 1607 by which the colonist disavowed any authority which the Pope and the Church of Rome might seek to impose upon the King, his dominion, or his subjects. Closely associated to this and also required of all colonists was the Oath of Allegiance in which the King was acknowledged supreme in all realms spiritual as well as ecclesiastical.[19]

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[12] _Ibid._, 957-958. Brydon, _Virginia's Mother Church_, I, 12. Two more clergymen arrived in 1610, Richard Buck and William Mease. Three additional ministers came the following year, Alexander Whitaker, Nicholas Glover, and a Mr. Poole. Glover and Poole died soon after their arrival. _Ibid._, 22.

[13] Bemiss, _Charters of the Virginia Company_, 27-54. Richard L. Morton, _Colonial Virginia_ (Chapel Hill: University of North Carolina Press, 1960), I, 19-21.

[14] Bemiss, _Charters of the Virginia Company_, 52.

[15] _Ibid._, 28-42. Morton, _Colonial Virginia_, I, 20.

The Virginia Company commissioned Sir Thomas West, the third Lord De la Warr, Governor of Virginia, and sent a new expedition to the colony consisting of nine ships carrying 500 men, women and children which departed soon after the issuance of the new charter. Lord De la Warr was unable to leave with the expedition and the Council sent Thomas Gates to serve as interim governor. Among the instructions given to Gates were specific charges regarding the nature and the welfare of religion in the colony. Paragraph six stated:

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[16] Bemiss, Charters of the Virginia Company, 28, 32.

[17] Ibid., 44.

[18] Ibid., 54.

[19] Susan M. Kingsbury, ed., The Records of the Virginia Company of London (Washington: United States Government Printing Office, 1933), III, 4-5.

> You shall take principall order and Care for the true and reverent worship of god that his worde be duely preached and his holy sacraments administered accordinge to ye constitucons of the Church of England in all fundamentall pointes, and his ministers had in due observance and respects agreeable to the dignity of their callinge.[20]

This paragraph went on to command the punishment of atheism, Catholicism, and schism and included an exhortation to be especially watchful for these things. The following paragraph commanded that all diligence be given to the evangelization of the natives and reemphasized that such missionary activity was the most pious and noble end of the colony. Gates was also granted authority to invoke martial law if necessary.[21]

In December, 1609, the company issued A True and Sincere Declaration of the Purpose and Ends of the Plantation in which they specifically stated that among the "Principal and Main Endes" of the colony, the first was to,

> . . . preach and baptize into Christian Religion, and

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[20] Ibid., 14.

[21] Ibid., 14-15. The instructions issued to Governor De la Warr contained almost identical commands regarding religion as those given to Gates; cf., ibid., 27.

> by the propagation of the Gospell, to recover out of the armies of the Divell, a number of poore and miserable soules, wrapt up unto death, in almost invincible ignorance.[22]

Whether in charters granted by the King, in instructions given to governors, or in statements issued by the company, the religious motive was always clearly expressed and placed foremost among the reasons for the colonization of Virginia.

Following his arrival, Gates formulated and put into effect a body of laws. When Governor De la Warr came to the colony in 1610, he approved them and the following year Deputy Governor Thomas Dale enlarged them. These laws were codified and published by William Strachey in 1612 under the title, Articles, Lawes, and Orders, Divine, Politique, and Martiall for the Colony in Virginia. Of special interest are the laws concerning religion, which appear first in the compilation. Church attendance was required and punishment prescribed for delinquents; blasphemy against the Trinity was punishable by death; the use of profanity carried a severe penalty for the first offense, for the second offense the person was to have a bodkin thrust through his tongue, and the third offense bore the death penalty; disrespect of God's word was also a capital crime; disrespect for the clergy was penalized by whipping, after which the offender was required to ask public forgiveness in the assembly of the congregation for three Sundays. Sabbath observance was required, as were daily prayers, and ministers were required to preach every Sunday morning and catechize in the afternoon. During the week they were required to hold prayer services twice daily and preach every Wednesday.[23] This constituted only a select few of the religious laws enumerated; there were many others.

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[22] Alexander Brown, ed., The Genesis of the United States (Boston and New York: Houghton, Mifflin & Company, 1897), I, 339. The entire statement is reprinted on pages 337-353.

Another law should be mentioned because of its later significance. Paragraph seven included the following:

> . . . every Minister where he is resident, within the same Fort, or Fortress, Townes, or Towne, shall chuse unto him, foure of the most religious and better disposed as well to informe of the abuses and neglects of the people in their duties, and service to God, as also to the due reparation, and keeping of the Church handsome, and fitted with all reverent Observances thereunto belonging: likewise every Minister shall keepe a faithful and true Record, or Church Booke, of all Christnings, Marriages, and deaths of such our people, as shall happen within their Fort, or Fortresses, Townes or Towne at any time.[24]

Penalties were provided for ministers delinquent in their duties. Here lies the germ of what was to become the vestry system which played so large a role in the later ecclesiastical and political life of Virginia.

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[23] [William Strachey], comp., Articles, Lawes, and Orders, Divine, Politique, and Martiall for the Colony in Virginia. Reprinted in Peter Force, ed., Tracts and Other Papers Relating Principally to the Origin, Settlement, and Progress of the Colonies in North America, From the Discovery of the Country to the Year 1776 (Washington: William Q. Force, 1844), III, No. 2, 9-11.

[24] Ibid., 11.

The consistency with which the ecclesiastical laws were enforced varied with the condition of the times. Occasionally the most severe were carried out, whereas, at other times they merely served as stern warnings to evildoers. The laws were most rigidly enforced during Dale's administration.[25]

A third charter was issued to the Virginia Company on March 12, 1612, but it said almost nothing about religion.[26] The assumption may have been that this already had been adequately expressed.

The year 1619 was a significant landmark in the history of Virginia, for in that year the company sent to the colony a newly appointed Governor, George Yeardley, with instructions to inaugurate bold new policies. Yeardley's instructions were of such consequence as to earn the title "The Great Charter," the most important element being the provisions for establishing a representative government.[27]

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[25] Morton, Colonial Virginia, I, 32.

[26] Bemiss, Charters of the Virginia Company, 76-94.

[27] The original document authorizing the institution of representative government in Virginia has been lost. A later ordinance, dated July 24, 1621, giving such authorization is believed to be almost identical to the original; ibid., n. 95, 126-128. The instructions issued to Governor Wyatt, also dated July 24, 1621, contain a reference to a former commission authorizing the establishment of representative government; ibid., 123.

Much of "The Great Charter" dealt with the distribution and use of land and included specific provisions for the setting aside of glebes:

> And to the intent that godly, learned and painful ministers may be placed there for the service of Almighty God & for the spiritual benefit and comfort of the people, we further will and ordain that in every of those cities or burroughs the several quantity of one hundred acres of land be set out in quality of glebe land toward the maintenance of the several ministers of the parishes to be there limited; and for a further supply of their maintenance there be raised a yearly standing and certain contribution out of the profits growing or renuing within the several farmes of the said parish; and so as to make the living of every minister, two hundred pounds sterling per annum or more as hereafter there shall be cause.[28]

The company was clearly concerned over the quality and support of its ministers in Virginia.

Governor Yeardley fulfilled his instructions and the first General Assembly convened in the church at Jamestown on Friday, July 30, 1619, attended by the Governor, six councilors and twenty-two burgesses. The Reverend Richard Buck opened the session with prayer after which each burgess took the Oath of Supremacy.[29] Although the Assembly only met until August 4, an appreciable amount of legislation was passed. Especially rigid, by modern standards, were the laws pertaining to conduct. Punishment was prescribed for idleness, gambling, drunkenness, and excess in apparel. The law also protected Indians from injury and abuse by the settlers and prescribed that each town, borough, and "particular plantation"[30] obtain by just means a certain number of Indian children "to be educated by them in true Religion & civile course of life."[31]

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[28] Ibid., 99-100. For a brief summary of the charter see Morton, Colonial Virginia, I, 51-54.

[29] Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1619-1658/59 (Richmond: The Colonial Press, 1915), 3-16; cf., xxvii-xxviii.

The Assembly also passed a number of laws pertaining to the clergy and religion. All ministers were required to perform their ecclesiastical functions in conformity to the laws and orders of the Church of England. They were required to catechize every Sunday afternoon. They were to keep a record of all christenings, burials, and marriages and to present the record to the Secretary of State every March. Ministers and churchwardens were entrusted with the responsibility of maintaining good conduct among the people. They were to admonish offenders and if after two admonitions the delinquent refused to amend his ways, he was to be presented by the churchwardens and suspended from the church by the minister. For those still refusing to reform a further step was provided. All ministers were to meet together once each quarter to determine who should be excommunicated. They were to convey their opinions to the Governor before they proceeded with the act of excommunication. Penalties were provided for clergymen deficient in the performance of their duties. Church attendance was compulsory and in order to maintain protection at all times, all persons who bore arms were required to take their guns, swords, shot, and powder to the divine services.[32] The extent and nature of this legislation reveal that the colonists themselves were quite concerned for the welfare of religion in their colony.

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[30] A "particular plantation," also known as a "hundred," was an area privately settled without expense to the company. The company, being unable to finance the entire plan of settlement, granted tracts of land to individual stockholders or groups of stockholders who would privately bear the expense of settlement. The term "hundred" was based upon the idea that at least one hundred settlers were required to establish a "particular plantation."

[31] *Ibid*., 9-10.

The company further expressed its concern over the state of religion in Virginia in a broadside issued on May 17, 1620. It commanded that each borough and "particular plantation" have a minister. The adventurers and planters of the "particular plantations" were given the right to choose their ministers, but that prerogative was reserved by the company in the case of the four "ancient boroughs."[33] The one hundred acres of glebe land had already been allotted for every minister; to this the company added the services of six tenants. When the minister served public lands, that is, lands set aside for the Governor, the college, or retained by the company, the company bore the full expense of all six tenants. For those ministers serving the "ancient boroughs" or "particular plantations," the company bore the expense of three tenants and the borough or plantation furnished the other three.[34]

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[32] Ibid., 13-14.

[33] These were the four original settlements established by and under the complete control of the company, namely, James City, Kecoughtan (name changed to Elizabeth City in 1621), Henrico, and Charles City.

The right to nominate a clergyman for a position is called the "advowson." Originally the advowson belonged to the landowner who built a church upon his property and provided for the support of the minister. This right could be transferred by the owner to other persons or even to institutions such as universities and dioceses. The advowson was only the right to nominate a clergyman to a benefice. The actual appointment, or induction, had to be made by a bishop. Usually the bishop concurred with the nomination and appointed the individual requested, but he had the right to refuse if sufficient evidence existed of the unworthiness of the nominee. The bishop could not induct a minister into the rectorship of a parish until the owner of the advowson had made a nomination. But to protect the right of a parish to have a minister, the bishop could appoint a rector of his own choice if the owner of the advowson did not make a nomination within a specifically prescribed period of time.[35]

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[34] Kingsbury, Records of the Virginia Company, III, 275-280.

The charters granted to the Virginia Company gave the company title to all the land in Virginia; consequently, the company held the right of advowson. The company retained this right until other provisions were made. The broadside of 1620 clearly stated that the right was to be transferred to the adventurers and planters of the "particular plantations." Whether the company had made any such transferences prior to this time is unknown. A problem which confronted the church in Virginia throughout the entire colonial period was the absence of a bishop in the colony to appoint clergymen to their positions. While the company held the advowsons, the nominations were presented to the Archbishop of Canterbury for approval.[36]

In the Church of England, the parish constituted the basic unit of ecclesiastical jurisdiction. Inasmuch as the company sought to transplant the established church of the mother country in the colony, it created parishes in Virginia as necessity dictated. Jamestown comprised the first parish, but as the colony expanded additional ones were created. Each of the four "ancient boroughs" became a parish and later the "particular plantations." As a rule the company desired that each city and plantation exist as a separate parish.[37]

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[35] Spencer Ervin, "The Establishment, Government, and Functioning of the Church in Colonial Virginia," Historical Magazine of the Protestant Episcopal Church XXVI (1957), 69-71. Brydon, Virginia's Mother Church, I, 42-46.

[36] Ibid., 43-44. The nominations were presented to the Archbishop of Canterbury because he was the primate of the Church of England. At this time no bishop in England possessed any official authority over the colonial churches.

The last Governor of Virginia to be appointed by the company was Sir Francis Wyatt. He received his commission in 1621 and was issued instructions which were similar in content to the legislation passed by the burgesses in 1619. The opening paragraph of the Governor's instructions commanded him to take great care in furthering the establishment of the church in the colony and to see that religious services were conducted according to the form and discipline practiced by the Church of England.[38]

The legislation passed by the Assembly in 1624 also ordered that the religion of the colony conform as nearly as possible to the Church of England. In addition, every plantation must provide a place for worship; a fine was imposed for absence from Sunday services; ministers absent from their churches more than two months per year must forfeit half their salary, and those absent more than four months must forfeit all of it; a fine was imposed for disparaging a minister without sufficient proof; and one man of every plantation was to collect the minister's salary out of the best tobacco and corn and no one was to dispose of his crops until the minister had first been satisfied. The law also prescribed the acceptable mode of conduct and churchwardens were ordered to report offenders.[39]

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[37] Ervin, "The Establishment, Government, and Functioning of The Church in Colonial Virginia," 87.

[38] Bemiss, Charters of the Virginia Company, 109.

By 1624, conditions in Virginia were very poor, due in large part to the Indian massacre of 1622, but there had also been considerable mismanagement by the company. As a result, the King brought suit against the Virginia Company in the Court of the King's Bench. A decision was handed down against the company on May 24, 1624, marking the end of the company and the beginning of Virginia as a royal colony.[40]

In concluding this chapter a number of observations must be made regarding the church and the clergy under the Virginia Company. During the period from 1607 to 1624 the company sent at least twenty-two ministers to the colony. Of that number, sixteen are known to have been in charge of parishes; the places of ministry of the remaining six are unknown and it is possible all of them died soon after arrival. Others may have come of whom records are no longer extant.[41]

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[39] There exists no extant journal of this session, but the legislative enactments appear in William Waller Hening, ed., The Statutes at Large: Being a Collection of All the Laws of Virginia, from the First Session of the Legislature in the Year 1619 (Richmond: Samuel Pleasants, Jr., 1809), I, 121-124. Cf., McIlwaine, Journals of the House of Burgesses, 1619-1658/59, xxix.

[40] Morton, Colonial Virginia, I, 86-106.

The company paid the salaries of the ministers until the colony had grown sufficiently for the inhabitants to bear part or all of the expense. This, of course, was the purpose for setting aside glebe lands as ordered in Yeardley's instructions of 1618 and for the six tenants to work the land as provided in the broadside of 1620. By 1621, the company expected remuneration from parishes composed of private lands for the expense of sending ministers to the colony. For example, in that year the company sent to Virginia Thomas White recommending him as a worthy minister who was willing to go for the small allowance paid him by the company. If he served on company land, his allotment was to continue with some increase. Evidently this was not full support because whoever employed him was urged to make additional compensation. If White served on private land, the company expected the parish which employed him to repay six pounds for passage and eight pounds for other provisions initially invested by the company.[42] Another example was that of William Leate whom the company sent the following year at a cost of twenty-six pounds which was to be repaid if he served on other than company land.[43]

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[41] Brydon, Virginia's Mother Church, I, 46-49.

[42] Kingsbury, Records of the Virginia Company, III, 506-507.

By the time of the founding of Virginia, the Church of England was badly divided. At one end of the spectrum were those who still sympathized with the Roman Church and papal supremacy. At the opposite extreme were the Puritans, so strongly oriented toward the Calvinism of Geneva and devoted to purifying the church from all vestiages of Catholicism. In between these two extremes lay the rank and file of the Church of England. Most of the radical Puritans left the church during the reigns of Elizabeth and James I, but the moderates of this wing remained within the body, desiring to maintain the unity of the church but also seeking to purge it of some of its Catholic doctrines and customs. Some of the key leaders of the Virginia Company were adherents of moderate Puritansim with the result that both the company and the colony reflected moderate Puritan sentiment and were influenced by the views of Geneva. Probably all the ministers sent to Virginia by the company were sympathetic to moderate Puritanism and some had even received Genevan or Presbyterian ordination.[44] The records of the

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[43] Ibid., 651.

[44] Brydon, Virginia's Mother Church, I, 6-9, 28. Ernest Trice Thompson, Presbyterians in the South (Richmond: John Knox Press, 1963), I, 11-12. H. Shelton Smith, Robert T. Handy, and Lefferts A. Loetscher, American Christianity: An Historical Interpretation with Representative Documents (New York: Charles Scribner's Sons, 1960), I, 14-15.

Virginia Company indicate that care was taken in the selection of ministers to be sent to the colony.[45]

The company fully intended to transplant the Church of England in Virginia and the detailed provisions concerning religion, as contained in the instructions to the Governors and the legislation passed by the House of Burgesses, were designed to recreate the mother church in the colony with the qualification "as near as may be." This phrase so frequently used in official pronouncements clearly implied that there was some deviation in Virginia from the polity of the Church of England and it also recognized the validity of that deviation. The distance from the mother country and the colonial environment prohibited the *in toto* transferring to Virginia of the complex, cumbersome, and aged ecclesiastical institutions of the Church of England. Obviously missing were such Anglican agencies as the vestry and the episcopacy. Furthermore, the moderately Puritan tendency of leaders both in London and in the colony resulted in a lack of zeal for the rigid format of Anglican worship. The above cited phrase, "as near as may be," may also have been a concession on the part of orthodoxy to these Puritan sentiments.[46]

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[45] Kingsbury, *Records of the Virginia Company*, I, 506, 516, 544, 575, 591; III, 506-507, 651; IV, 15, 210.

[46] Ervin, "The Establishment, Government, and Functioning of The Church in Colonial Virginia," 73-75. William H.

According to the late George MacLaren Brydon, an Anglican clergyman and Historiographer of the Diocese of Virginia, the dissolution of the Virginia Company resulted in a shift in the control of the colony from the moderate Puritan party to the more conservative party within the Church of England. This shift detrimentally affected the spiritual welfare of the church in Virginia. Under the crown and the conservative party leadership the colonial church was allowed to shift for itself.[47] Brydon, who may be regarded as an authority on Anglican church polity, stated:

> Virginia was not, and never was, a part of any English diocese, and no diocesan bishop in England could exercise extradiocesan authority except and unless specific permission was given therefor by the king; and no king until George I ever gave such authority to any English bishop. The Church in Virginia was left to fend for itself, both in ecclesiastical organization and securing ministers, and also in working out the problem of adapting the old Church to the conditions of a new land.[48]

The colonial clergy played a limited role in the political life of the colony while it was under the control of the company. The instructions issued by James I, in 1606, specifically prohibited a minister of the gospel from

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Seiler, "The Church of England as the Established Church in Seventeenth-Century Virginia," Journal of Southern History, XV (1949), 483-484. Smith, Handy, and Loetscher, American Christianity, I, 15.

[47] Brydon, Virginia's Mother Church, I, 9. Smith, Handy, and Loetscher, American Christianity, I, 15, 48-49.

[48] Brydon, Virginia's Mother Church, I, 9.

serving as president of the Council in Virginia.[49] A possible reason for this restriction may be that the crown thought the establishment and maintenance of religion in the colony would be a task of such magnitude as to demand practically all of the clergy's time and, therefore, such a prohibition would preclude the possibility of a minister being elected to the presidency and the diversion of his time and energy from his clerical duties. The prohibition, however, applied only to the presidency of the Council and not to Council membership itself which implied that clerical membership on the Council was permissible. This apparently was the view taken by the company because after the reorganization of the colonial government in 1618 several clergymen were appointed to the Council of State which was the Governor's Council and the upper legislative body.

The Reverends William Wickham of Henrico Parish and Samuel Maycock of Charles City Parish were appointed to the Governor's Council and attended the first meeting of the General Assembly in 1619.[50] Wickham died soon thereafter,[51] but Maycock continued to serve on the Council until he fell victim to the tomahawk in the famous Indian raid of 1622.[52] Robert Paulett of the Berkeley Hundred Parish was not only a minister but also a physician and surgeon. He arrived in the colony about 1620 and was appointed to the Governor's Council in 1621, but the term of his service and the date of his death are unknown.[53] In 1622, the company appointed the Reverend Patrick Copland to the rectorship of the proposed Indian college and to the pastorate of the church to be established on the college lands. In addition, he was to serve on the Governor's Council, but the massacre of 1622 interrupted the plans and Copland never came to Virginia.[54]

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[49] Bemiss, Charters of the Virginia Company, 14.

[50] W. W. Henry, "The First Legislative Assembly in America," Virginia Magazine of History and Biography, II, (1894-1895), 59. Mary Newton Stanard, "The Real Beginning of American Democracy: The Virginia Assembly of 1619," ibid., XXX (1922), 64. Arber, Captain John Smith's Works, 540. Edward Lewis Goodwin, The Colonial Church in Virginia (Milwaukee: Morehouse Publishing Company, 1927), 39-40, 57.

[51] Kingsbury, Records of the Virginia Company, III, 119.

Several factors suggest that the political influence

Brydon, Virginia's Mother Church, I, 48. Goodwin, The Colonial Church in Virginia, 40.

[52] Alexander Brown, The First Republic in America (Boston and New York: Houghton, Mifflin and Co., 1898), 467. Lyon Gardiner Tyler, The Cradle of the Republic (Richmond: Hermitage Press, 1906), 212.

[53] Goodwin, The Colonial Church in Virginia, 57. Both Paulett and Maycock were listed as Council members in the Ordinance of 1621; Bemiss, Charters of the Virginia Company, 127. Wickham, Maycock, and Paulett are listed in "The Colonial Council of Virginia," William and Mary College Quarterly Historical Magazine, III (1894), 65-67; in Goodwin's list of the Anglican clergy, The Colonial Church in Virginia, 293, 297, 316; and in Brydon's list of clergymen and parishes, Virginia's Mother Church, I, 47-48.

[54] Ibid., 57-59. Goodwin, The Colonial Church in Virginia, 67.

of Wickham, Maycock, and Paulett as councilmen was never great. The three never served on the Council simultaneously and those whose terms coincided did so for a matter of only a few months. There is no evidence that they were dominant or aggressive political figures. Furthermore, they served during a five-year period, 1619-1624, when the company still actively controlled the colony and representative government was yet in its infancy.

The practice employed by the company of appointing some clergymen to the Council obviously did not set a precedent. After the dissolution of the Virginia Company in 1624, no clergyman served on the Governor's Council until 1694. Possibly, in the years immediately following the dissolution of the company, the Puritanism of the Virginia Anglican clergy made them unacceptable as Council Members in the eyes of the crown and the conservative party which assumed control of Virginia when it became a royal colony. In later years, it may have been that clergymen were not sufficiently influential or politically qualified to warrant a seat on the Council.

CHAPTER II

THE CHURCH AND CLERGY OF VIRGINIA UNDER THE CROWN: FROM GOVERNOR WYATT TO COMMISSARY BLAIR, 1624-1689

After the revocation of the charter of the Virginia Company, the crown appointed a committee composed of various members of the Privy Council, along with others, for the purpose of setting up a new government in the colony. The president of the Privy Council, Henry Mandeville, served as chairman. On August 26, 1624, the committee appointed Francis Wyatt governor, an action which placed him in the unique position of having been the last Governor of Virginia under the company and the first under the crown. A council for Virginia was also appointed which included a number of former officers of the company.[1] In the order which authorized the committee appeared the old and familiar proclamation of the religious motive for colonization.[2]

Conspicuously absent from the commissions to Wyatt and the council was any provision for a representative assembly in Virginia. The death of James I on March 27, 1625, ended the work of the Mandeville committee with the result that the political future of the colony and especially its

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[1] Kingsbury, Records of the Virginia Company, IV, 501-504.

[2] Ibid., 491. The entire commission is reprinted on pp. 490-497.

General Assembly still remained uncertain. This unstable condition lasted approximately fifteen years during which time the General Assembly, despite its extralegal character, continued to meet, although somewhat irregularly, in order to assist in the governing of the colony.[3] Finally, in 1639, after repeated promises Charles I officially consented to the restoration of the General Assembly.[4]

The decade or so following the dissolution of the company was a time of transition in Virginia, not only politically but ecclesiastically as well. Virginians desired that their church conform as nearly as possible to the Church of England, but complete conformity could not be accomplished as long as the colonial church remained outside the pale of episcopal authority. While the colony was under company control, the Council in London sought advice and guidance regarding ecclesiastical affairs in Virginia from the Bishop of London. But when this bond was broken, the Bishop of London had no more authority in the colony than any other bishop in England. There were only two ways in which the church in Virginia could be brought under the control of a bishop: the King could create a diocese of Virginia and appoint a bishop over it, or he could give special authority to a bishop in England to handle the affairs of the church in the colony. Neither of these methods was employed at the time.[5] As primate of the Church of England, the Archbishop of Canterbury was the nominal head of the entire English ecclesiastical system both at home and abroad. Therefore, the church in Virginia came under his jurisdiction until 1675 when it was transferred to the Bishop of London.

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[3] A summary of the various meetings of the General Assembly during the fifteen-year period is given by McIlwaine, Journals of the House of Burgesses, 1619-1658/59, xxx-xxxvii.

[4] Andrews, Colonial Period of American History, I, 202-205. Morton, Colonial Virginia, I, 107-113.

Without a bishop Virginia had to secure all her clergymen from England because there was no one in the colony authorized to ordain men to the ministry. The absence of a bishop also meant there were no ecclesiastical courts in Virginia to regulate and discipline the clergy. Nor could the sacrament of Confirmation be administered to a child. Under the Anglican system in England the bishop also performed a number of civil functions: probate of wills, appointment of notaries, granting of special marriage licenses and the induction of ministers. Virginians realized they would have to modify the organization of their church in order to compensate for the lack of episcopal supervision and authority. Consequently, the government of the colony and the laity of the church played a much greater role in ecclesiastical affairs.[6]

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[5] Brydon, Virginia's Mother Church, I, 87.

[6] Ibid., 86-87.

In the years immediately following the dissolution of the Virginia Company, the Governor and his Council performed the ecclesiastical duties which originally had been the tasks of the company and the General Assembly. Among these duties were the creation of parishes, the appointment of ministers, and the regulation of the religious life of the colony. The Governor and Council sitting as the General Court ordered that their decisions concerning parishes and ministers would stand until such matters "be decided by A general Assemble or by some other lawfull heeringe."[7] On a later occasion, the Court ordered that churchwardens make a list of the men, women, and children in their parishes and see that they properly served God. If any were found delinquent they were to be punished according to the previous statutes of the General Assembly. Families were to conduct prayers at least once daily and the men were to attend bearing their arms. The proclamations against drunkenness and swearing were renewed and offenders were to be punished in accordance with the laws previously passed by the General Assembly.[8]

Upon still another occasion the Court ordered that each plantation, again in accordance with an act of a previous Assembly, provide a fitting place of worship and that the church conform as nearly as possible to the canons of the Church of England and all people were to obey these canons or be subject to censure.[9] From time to time the Court issued other orders regarding religion and conduct in Virginia, but the above should be sufficient to demonstrate that the Governor and Council sitting as a General Court functioned as a legislative body in the absence of the General Assembly.

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[7] Henry R. McIlwaine, ed., Minutes of the Council and General Court of Colonial Virginia (Richmond: The Colonial Press, 1924), 22; session of October 10, 1624. Cf., Brydon, Virginia's Mother Church, I, 88.

[8] McIlwaine, Minutes of the Council and Court, 104; session of July 28, 1626.

Throughout the colonial period, from 1619 to the disestablishment of the Anglican Church in 1786, the General Assembly, with the exceptions noted, served as the governing body of the church.[10] Although the King did not officially restore the Assembly until 1639, he ordered it to convene in 1628 to handle some affairs of the colony.[11] After this time the Assembly began to meet regularly again and resumed its legislative activity which included, of course, the governing of the church.

The session of 1630 passed a strongly worded act commanding that all ministers, present and future, conform in all things to the canons of the Church of England. If any refused to conform he was to be censured as provided by canon law for such cases.[12] There were two reasons for the tightening of the laws regarding conformity: first, to curtail the influx of unworthy clergymen after the standards for clerical selection were removed with the dissolution of the Virginia Company and, second, to discourage dissenting ministers from coming at a time when such dissent was so strong in England as to soon lead to civil war.[13]

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[9] Ibid., 105; session of August 7 and 8, 1626.

[10] Brydon, Virginia's Mother Church, I, 67.

[11] McIlwaine, Journals of the House of Burgesses, 1619-1658/59, xxx-xxxi.

Although the act was designed to keep out dissenting clergymen, it did not apply to dissenting laymen. All that was required of a layman to migrate to Virginia was to take the oaths of allegiance and supremacy. Many such dissenters came and, no doubt owing to the difficulty of obtaining worthy ministers, brought their ministers with them. A minister of dissenting ordination could serve acceptably in the colony provided he too took the oaths of allegiance and supremacy and, in addition, the oath of conformity, but apparently conformity was not consistently or rigidly enforced. Consequently, dissenting clergy and laymen were present in Virginia in spite of the fact that the Church of England was the officially established church of the colony.[14]

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[12] Hening, Statutes at Large, I, 149.

[13] Brydon, Virginia's Mother Church, I, 88.

[14] *Ibid.*, 88-90.

From February 21 to March 6, 1632, the General Assembly met in a most significant session during which the laws of the colony were reviewed and revised. Foremost were the laws pertaining to religion. The first fifteen acts, out of a total of sixty-eight, concerned ecclesiastical affairs. Many acts previously passed by the legislature were reiterated: conformity to the Church of England; church attendance required; ministers and churchwardens to keep records of deaths, marriages and births; ministers must preach every Sunday; penalties for disparaging a minister; and others. Additional acts explained in greater detail the duties of clergymen and churchwardens than had been recorded previously. For example, ministers were to perform the rite of matrimony only after certain prerequisite actions had been taken; ministers were to instruct the youth, servants or apprentices, and the ignorant in the Ten Commandments, the Lord's Prayer, the articles of faith and the catechism; all preaching, administration of the Lord's Supper, and marriages had to be performed in the church except where cases of necessity demanded otherwise; churchwardens were to assist in keeping records and enforcing religious laws.

Some new legislation was passed which required churchwardens to take an oath by which they vowed to report all offenders of the religious and moral code of the colony. Ministers were to conduct themselves appropriately, not giving themselves to excessive drink or the idling away of their time, day or night, in playing cards, shooting dice or engaging in other unlawful games. Ministers were to receive set fees for the performance of clerical duties such as marriages, christenings, and funerals. Instructions were also given regarding the salary of the clergy and its method of collection. Church buildings were to be repaired and constructed and portions of ground set aside and fenced for cemeteries. Penalties were provided for ministers and churchwardens delinquent in their duties.[15] The acts were repeated almost verbatim in the September session of the General Assembly[16] and "they constitute the first body of statute laws governing the Church in Virginia as distinguished from the Church in the home land."[17] This important codification of the ecclesiastical laws of Virginia marked a significant step in strengthening the organization of the colonial church.

Further organizational strength came with the development of the vestry system of parish government during the decade of the 1630's. Although Hening's Statutes record the first laws passed by the General Assembly regarding the creation of vestries as an action of the session of early 1643, there is incontrovertible evidence that vestries were in existence as early as 1635 and that the Assembly had passed such legislation as early as 1636.[18] The vestry was not an institution unique to Virginia; it had long been employed by the Church of England. It was of greater significance, however, in the colony because it had to help fill the gap in church organization and authority which existed due to the absence of a bishop.

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[15] Hening, Statutes at Large, I, 155-161.

[16] Ibid., 180-185.

[17] Brydon, Virginia's Mother Church, I, 426.

As indicated earlier, the seeds of the vestry system in Virginia were contained in the *Articles, Lawes, and Orders, Divine, Politique, and Martiall* put into effect by Gates and Dale in 1610-1611. Paragraph seven ordered each minister to select four of the most religious and better disposed men to assist him in the upkeep of the church and to inform him of people negligent in their duties and service to God. These ministerial assistants, or churchwardens, were also part of the English vestry system. Although they were not equivalent to a vestry, they did represent an adoption of the English policy of lay participation in local church government.[19] From time to time the General Assembly defined the duties of the churchwardens and their use marked a transitional step in the development of the vestry system in Virginia.

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[18] The term "vestry" was used in the Accomack County court record dated September 14, 1635. The Assembly passed an act in 1636 ordering each parish to establish a vestry. Reference to this act was made in a later act of 1642. Both acts were unknown to Hening. The act of 1642 which reaffirmed the provisions of the 1636 act was reprinted in the *Virginia Magazine of History and Biography*, IX (1901-1902), 50-59. William H. Seiler, "The Anglican Parish Vestry in Colonial Virginia," *Journal of Southern History*, XXII (1956), 311-312. Brydon, *Virginia's Mother Church*, I, 92-92.

[19] Seiler, "The Anglican Parish Vestry," 310.

The Assembly undertook a general revision of the laws of the colony in March 1643. So widespread was this revision that the Assembly declared all previous laws passed by former Assemblies invalid, except certain ones which were specifically denoted.[20] The legislation pertaining to the church was more detailed than at previous times and it represented the translation of the growing body of colonial customs into a code of laws.[21] Especially important were the enactments concerning the vestry which were essentially those passed in 1636 and reaffirmed in 1642. They called for the creation of a vestry in each parish; two or more churchwardens were to be chosen annually; "the most sufficient and selected men" of the parish along with the churchwardens and the minister were to compose the vestry. At this time no indication was given as to the number, the length of term, or the method of selection of the vestrymen. The vestry was given the right to choose the parish clergyman who was then to be presented to the Governor for induction. The Governor and Council were given authority to suspend a minister for negligence or misconduct upon reception of a complaint made by the vestry, but the General Assembly reserved for itself the authority to remove a minister from his parish.[22] Legislation passed in 1645 ordered that vestrymen be elected by the parishioners.[23] In 1658, the House of Burgesses delegated even greater authority to the vestry in an act which stated:

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[20] Hening, Statutes at Large, I, 240.

[21] Seiler, "The Anglican Parish Vestry," 312.

> . . . that all matters concerning the vestry, their agreements with their ministers, touching the churchwardens, the poore and other things concerninge the parishes or parishoners respectively be referred to their owne ordering and disposeing from time to time as they shall think fit.[24]

In 1661, the Assembly limited the number of vestrymen to twelve.[25] The following year it specifically designated that the vestry of each parish consist of twelve men who with the minister were to choose from their number two to serve as churchwardens for a term of one year. In addition, the law provided that the minister and the vestry select replacements for vestrymen who died or moved out of the parish.[26] This practice of co-optation continued throughout the remainder of the colonial period with the result that the vestry became self-perpetuating with the parishioners losing their right to elect the vestrymen. Act IV of the legislation of 1662 ordered that no clergyman could officiate in the colony unless he presented to the Governor certification that he had received his ordination from a bishop in England and that he subscribed to the orders and constitutions of the Church of England. Those who met the above qualifications were to be inducted by the Governor upon presentation by a parish.[27]

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[22] Hening, Statutes at Large, I, 240-242.

[23] Ibid., 290-291.

[24] Ibid., 433.

[25] Ibid., II, 25.

[26] Ibid., 44-45.

During the period 1643-1662, certain ecclesiastical powers became firmly and permanently placed in the hands of the laity of the church. The right to nominate ministers resided with the Virginia Company before 1624. After the dissolution of the company this power passed to the Governor and Council. In 1643 the General Assembly delegated it to the vestries and they never relinquished it. Legislation by the 1643 Assembly also placed the power of induction in the hands of the Governor. Previously this seems to have been an implied power of the Governors even though their commissions and instructions did not specifically so indicate.[28]

The importance of the vestry in the political and religious life of Virginia is revealed by the diverse civil and ecclesiastical functions it performed. The vestry chose the parish minister, levied parish taxes, managed the church property and assisted in the maintenance of the social mores through its churchwardens, whose duty it was to present violators of the moral law to the county courts. Among the most frequent offenses were drunkenness, immorality, profanity, slander, and failure to attend church. Upon the parish vestry fell the responsibility of caring for illegitimate children, orphans, and the poor. Allotments were granted to the poor and in some cases the vestries of two or more parishes cooperated in establishing workhouses and farms to which the poor were sent. If a person refused to work, the vestry had the authority to withhold his allotment. The parish also cared for those who could not care for themselves, such as the blind, the crippled, the sick, and the insane.

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[27] _Ibid._, 46.

[28] Seiler, "The Anglican Parish Vestry," 320. Ervin, "The Establishment, Government, and Functioning of The Church in Colonial Virginia," 92. George MacLaren Brydon, "The Origin of the Rights of the Laity in the American Episcopal Church," _Historical Magazine of the Protestant Episcopal Church_, XII (1943), 332-338.

The vestry also performed a number of important secular duties. It supervised land processioning, was required to supply workmen for the construction and maintenance of roads and bridges, and for a short time in the early eighteenth century appointed men to count tobacco plants and to destroy those which exceeded the number set by law. In situations where a river ran through a parish and no church was available on one side, the parish maintained a ferry. The details of its operation, of course, fell upon the vestry. The sale or utilization of land bequeathed to the parish frequently put the vestry in the real-estate business. The harsh colonial environment combined with geographical separation from the mother country and the absence of episcopal authority and leadership resulted in the development of the Anglican parish vestry in Virginia with distinctive, local characteristics. It proved to be an effective administrative agency which exercised considerable and lasting influence.[29]

The coming of civil war to England in 1642 found Virginia remaining loyal to the crown and the church. This was due in large part to the able leadership of Sir William Berkeley who succeeded Governor Wyatt in February of that year. Berkeley was a devoted supporter of the House of Stuart and the Church of England. In religious affairs he carried out his instructions which ordered him to

> . . . be careful, Almighty God may be duly and daily served, according to the form of Religion established in the Church of England, both by yourself and all the people, under your charge, . . . Suffer no Invasion in matters of Religion, and be careful to appoint sufficient and conformable ministers to each Congregation, that may catechize and instruct them in the Ground and principles of Religion.[30]

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[29] Seiler, "The Anglican Parish Vestry," 325-337. Brydon, Virginia's Mother Church, I, 90-102. Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century (New York: G. P. Putnam's Sons, 1910), I, 62-93.

[30] Fulham Papers. Volume XI, "Virginia, 1626-1723" (microfilm copy in the University of Georgia Library). Although these instructions were dated 1650, Berkeley probably received identical or similar ones when he was first sent to Virginia. A note on the bottom of the page written in the same hand stated the same instructions had been given to Governor Wyatt in 1638.

During the summer of 1642, Puritans residing in Virginia, most of them in Nansemond County, boldly sent a request to New England for non-conformist ministers. Three Puritan clergymen of distinction came in response with letters of introduction to Governor Berkeley from Governor Winthrop. The attitude of the Governor, the Council, and the House of Burgesses was reflected in Act LXIV of the legislation passed by the Assembly in March, 1643. It required all ministers residing in the colony to conform to the orders and constitutions of the Church of England; those who failed to do so were not allowed to teach or preach publicly or privately; all non-conformists were compelled to leave the colony.[31] This action was sufficient to cause two of the ministers to return to New England. The third remained and managed to engage in a fruitful ministry.[32] Apparently he was willing to conform to the polity of the Church of England to a degree sufficient to warrant his continuation in the colony.

As the civil war progressed in England, Parliament practically destroyed the established church culminating in early 1645 with the outlawing of the Book of Common Prayer and the execution of the Archbishop of Canterbury, William

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[31] Hening, Statutes at Large, I, 277.

[32] Bruce, Institutional History of Virginia, I, 253-254. Morton, Colonial Virginia, I, 151-152. Thomas J. Wertenbaker, Virginia Under the Stuarts, 1607-1688 (New York: Russell & Russell, 1959), 92-93.

Laud. Nevertheless, Virginia remained loyal to the Church of England. In 1647, the General Assembly by legislation required ministers to use the Book of Common Prayer.[33]

The execution of King Charles I on January 30, 1649, greatly grieved and angered Virginia royalists. The following October they expressed their sentiment through legislation. The General Assembly passed an act avowing the colony's loyalty to the crown. Those who had perpetrated the overthrow of the monarchy were labeled traitors and the act promised punishment for anyone in the colony in sympathy with the deed. Finally, any sentiment which advocated a change in the colonial government or questioned the authority of the Governor or the government in matters civil or ecclesiastical would be regarded as treasonable.[34]

After the death of the King many English royalists came to Virginia and the colony welcomed them. In 1651, Cromwell sent a fleet to demand allegiance to the Commonwealth. Some thought was given to resistance, but it was apparent that such a policy would bring much bloodshed and destruction to the colony. After a serious debate in the House of Burgesses, Berkeley's army was disbanded and the articles of surrender were signed. The provisions set forth in the surrender document were extremely lenient; the people of Virginia had to renounce their former government and promise obedience to the Commonwealth; the government of the colony was placed in the hands of the General Assembly; in regard to religion, ministers were to continue in their positions and permission was granted to continue the use of the Book of Common Prayer for one year provided referances to the King were deleted.[35] Despite the one-year limitation, the colonial church apparently continued to use the prayer book throughout the entire commonwealth period.[36]

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[33] Hening, Statutes at Large, I, 341-342.

[34] Ibid., 359-360. Wertenbaker, Virginia Under the Stuarts, 95. Seiler, "The Established Church in Virginia," 487-488.

The first General Assembly to meet after the dissolution of the royal government convened at Jamestown on April 30, 1652. The Burgesses and commissioners from the Commonwealth of England set up a provisional government and unanimously selected Richard Bennett to replace Berkeley as the Governor. Berkeley simply retired to his estate at Green Spring where he remained unmolested until recalled to office by the General Assembly in March, 1660.

During the Commonwealth and Protectorate, Virginia enjoyed a period of self-government unparalleled throughout the history of the colony. Ultimate authority in ecclesiastical as well as in political matters resided in the House of Burgesses. It was given power to elect the Governor and the Council and the only limitation placed upon its actions was the power of veto reserved by the English government. The most important piece of legislation passed during this period regarding the church was that, previously mentioned, of 1658 in which the parish was given full authority to handle its own affairs.[37]

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[35] Hening, Statutes at Large, I, 363-364. Morton, Colonial Virginia, I, 170-173.

[36] Ibid., 175. Seiler, "The Established Church in Virginia," 488-489.

The period from 1652 to 1660 was significant for the colonial church in two respects. The first is the delegation of extensive ecclesiastical authority to the parish by the Assembly. Second, although no specific mention of the Church of England was made in the legislation passed during this period, the church in Virginia remained loyal to the Anglican Church.[38] A contemporary, writing shortly after the Restoration, reported that Virginians were,

> . . . a People, which generally bear a great love and respect to their ministers; And (if they behave themselves as becommeth their high calling) they shall find their ready help, and assistance in their Needs; and (which should be more encouraging) they will find a People, which generally bear a great love to the stated Constitutions of the Church of England, in her Government and publik Worship.[39]

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[37] Wertenbaker, Virginia Under the Stuarts, 101-103. Morton, Colonial Virginia, I, 174-175.

[38] Seiler, "The Established Church in Virginia," 490. Francis L. Hawks, Contributions to the Ecclesiastical History of the United States of America (New York: Harper & Brothers, 1836), I, 60-61.

[39] R.[oger] G.[reene], Virginia's Cure: or An Advisive

Soon after the Restoration, the Virginia legislature began to reavow its loyalty to the crown and to the church of the mother country. Legislation passed in the March, 1661 session set aside January 30 as a day of commemoration of the death of Charles I and May 29 as a holiday in commemoration of the birth and restoration of Charles II. The size of the vestry was limited to twelve and those elected to the vestry were required to take the oaths of allegiance and supremacy and subscribe to the doctrine and discipline of the Church of England.[40]

In 1662, the General Assembly undertook another general revision of the laws of the colony. This legislation was preceded by a statement which explained that a revision was necessary because "the late unhappy distractions caused frequent changes in the government of this country" which in turn had caused "soe many alterations in the lawes, that the people knew not well what to obey nor the judge what to punish."[41] The first seventeen acts pertained to religion and they officially reestablished the Church of England as the colonial church. A number of the acts called for renewed allegiance to the Church of England; the act requiring

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Narrative Concerning Virginia (dated September 2, 1661). Reprinted in Force, Tracts and Other Papers, III, No. XV, p. 19.

[40] Hening, Statutes at Large, II, 24-25.

[41] Ibid., 41-43.

vestrymen to take the oaths of allegiance and supremacy and to conform to the doctrine and discipline of the Anglican Church was repeated; ministers were required to show proof of Anglican ordination and to subscribe to the orders, constitutions and laws of the Church; church services were to be conducted according to Anglican format; the minister was required to teach only the catechism found in the Book of Common Prayer; also repeated were the acts of the previous session which set aside January 30 and May 29 as holidays.[42] This revision of 1662 established the general outline for ecclesiastical organization and policy until the American Revolution.[43]

In the years following the Restoration unrest developed in Virginia which eventually led to Bacon's Rebellion in 1676. Essentially the discontent centered around declining tobacco prices, an unwise and selfish English commercial policy, offensive political actions by the Governor and his Council, and an increasing Indian threat on the frontier.[44] The revolt affected the church only indirectly and there was no attempt or even desire to disestablish it.[45]

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[42] Ibid., 44-47. For all the laws regarding religion see pp. 44-55.

[43] Seiler, "The Established Church in Virginia," 492.

[44] For the causes of the rebellion see Thomas Jefferson Wertenbaker, Torchbearer of the Revolution: The Story of Bacon's Rebellion and Its Leader (Princeton: Princeton University Press, 1940), 3-35. Wilcomb E. Washburn, The Governor and the Rebel: A History of Bacon's Rebellion in Virginia (Chapel Hill: University of North Carolina Press, 1957), 17-39.

The Bacon-dominated session of the General Assembly, which met in June, 1676, passed only one law of any consequence for the church. It called for triennial elections of vestrymen by the parishioners. The elections were to be held during Easter week with the churchwardens announcing the event on the two preceding Sundays. The act also explained the reason for its necessity, namely, the long continuance of vestries in some parishes. The self-perpetuating vestry had become objectionable to the people.[46] Although at least three counties, the Isle of Wight, Surry, and Northampton, openly expressed the desire for periodic, free elections of vestrymen,[47] the law was never reenacted after its nullification by Berkeley and the Assembly in accordance with the instructions issued by the King.[48]

Shortly after the Restoration of the monarchy in England, Roger Greene, a Virginia Anglican clergyman, authored a pamphlet, entitled Virginia's Cure, which he addressed to the Bishop of London under the date of September 2, 1661. Greene discussed the sad condition of the church in Virginia and offered suggestions how its faults could be corrected. Among the proposed solutions was the recommendation that a bishopric be established in Virginia as soon as possible.[49] Greene personally presented his views to the Bishop, possibly in lieu of the Reverend Phillip Mallory. The General Assembly had sent Mallory to England as an official representative of Virginia to look after the interests of the colonial church, but he died shortly after his arrival in the mother country.[50]

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[45] Seiler, "The Established Church in Virginia," 494.

[46] Hening, Statutes at Large, II, 356.

[47] "Causes of Discontent in Virginia, 1676," Virginia Magazine of History and Biography, II (1894-1895), 172, 289, 388. This is a reprint of lists of grievances drawn up by several counties and presented to the colonial government at the time of Bacon's rebellion.

[48] The act was repealed by a blanket statement which declared all the acts, orders and proceedings of the Bacon Assembly null and void. Hening, Statutes at Large, II, 380-381; cf., 365, 425.

This presentation of the plight of the Virginia church may have been responsible for stirring up interest among English ecclesiastics which led to an attempt to establish a colonial episcopate. By 1672, plans for the creation of a diocese of Virginia had developed to the point where a charter was drawn up which would put the plans into effect.[51]

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[49] Greene, Virginia's Cure, 18.

[50] Hening, Statutes at Large, II, 34. Wesley Frank Craven, The Colonies in Transition, 1660-1713 (New York: Harper & Row, 1968), 41-42. Mary F. Goodwin, "The Reverend Alexander Moray, M.A., D.D., The First Bishop-Designate of Virginia, 1672-3," Historical Magazine of the Protestant Episcopal Church, XII (1943), 60-61.

[51] The original charter in Latin is reprinted in William Stevens Perry, ed., Historical Collections Relating to the American Colonial Church (Hartford: Church Press Company, 1870), I, 538-542. An English translation appears in

Jamestown was designated as the see city and a colonial clergyman, Alexander Moray, was nominated to the bishopric. For reasons unknown the project collapsed, the charter was not signed and the diocese not created.[52]

This abortive attempt to establish an American episcopate may have prompted Henry Compton, who became the Bishop of London in 1675, to concentrate on ecclesiastical affairs in the colonies. At the time of the Restoration the opinion prevailed in England that the affairs of the colonial church came under the jurisdiction of the Bishop of London, but no legal authority existed.[53] Technically the colonial churches were still under the jurisdiction of the Archbishop of Canterbury. Compton was intensely interested in the welfare of these overseas churches and labored to extend his influence and authority over them and their clergy. That he was successful to a degree is apparent from the instructions issued to Governor Thomas Culpeper in 1679. Culpeper was given the usual gubernatorial responsibility of seeing that religion in the colony was conducted according to the

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William Cabell Brown, ed., "Draft for the Creation of a Bishoprick in Virginia," *Virginia Magazine of History and Biography*, XXXVI (1928), 45-53.

[52] Brydon, *Virginia's Mother Church*, I, 183-184, 200-201. Seiler, "The Established Church in Virginia," 505-506. Goodwin, "The Reverend Alexander Moray," 59-68.

[53] Arthur Lyon Cross, *The Anglican Episcopate and the American Colonies* (New York: Longmans, Green and Co., 1902), 24.

standards of the Anglican Church. In addition, he was ordered not to appoint a minister to a benefice without a certificate from the Bishop of London verifying that the minister conformed to the doctrine and discipline of the Church of England.[54]

After 1685, the King's instructions to the royal governors contained a specific reference to the authority of the Bishop of London in the colonies. But the Bishop's authority was limited; the Governor retained the power to collate to benefices, grant marriage licenses, and probate wills.[55] In 1688, the Council in Virginia officially recognized the authority of the Bishop of London with the limitations.[56]

Although the Bishop of London might become very influential in the affairs of the Virginia church, his authority was severely curtailed not only by the limitations placed upon his ecclesiastical authority but also by the position the Governor held in the colonial church. In a case brought before the General Court involving churchwardens, the Council stated that the Governor had

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[54] Perry, Historical Collections, I, 2-3.

[55] Leonard Woods Labaree, ed., Royal Instructions to British Governors, 1670-1776 (New York: D. Appleton-Century Company, 1935), II, 489-490.

[56] Henry R. McIlwaine, ed., Executive Journals of the Council of Colonial Virginia (Richmond: Virginia State Library, 1925), I, 515. Session of April 25, 1688.

> . . . the same power and Authority in this Colony in Ecclesiastical Affairs as any Bishop in England hath in his Diocese And this Matter being seriously considered and Maturely weighed the Council are of Opinion that the process was good and the Governor only head of the Church and therefore sole Judge in all ecclesiastical parochial Affairs.[57]

In Brydon's judgment, Compton must have known the reasons for the failure of the plan to create a diocese of Virginia and evidently realized that the plan could not be revived under the currently existing conditions. Consequently, he adopted the next best method, that of sending commissaries to the colonies.[58] Later, Compton proposed sending a suffragan bishop to the colonies. He did not recommend sending a bishop with full episcopal powers because of the apprehension it might create among the colonists. His plan did not receive serious consideration at the time.[59]

In 1689, Compton appointed as Commissary of Virginia a clergyman already residing in the colony, James Blair, rector of Henrico Parish. Although Blair is generally regarded as being the first Commissary of Virginia, there is some evidence that he had a predecessor. A William Temple (or Semple), about whom very little is known, apparently served as some sort of representative of the Bishop of London but without commission or authority. In 1692, Governor Nicholson sent to the Council a series of questions, one of which asked "Whether what Mr. Blair did was not before done by Others impowered by the Right Reverend Bishop of London?" To which the Council replied, "Mr. Temple by Virtue of a Power (as he said) caused the Clergy to meet as Mr Commissary Blair did. . . ."[60] Whatever the role played by Temple, it fell far short of that which was to be assumed by Blair, and Blair may be properly regarded as the first Commissary of Virginia.[61]

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[57] Ibid., 496; session of May 29, 1683.

[58] Brydon, Virginia's Mother Church, I, 217. Cross, The Anglican Episcopate, 25-51.

[59] The suffragan bishop, as proposed by Compton, would be an intermediate position between the bishop and the commissary. He would possess the necessary authority to ordain, consecrate, and confirm, but other than this he would be enough like the commissary as to avoid generating any resentment among the colonists. Ibid., 97-98.

The appointment of Blair began a new era in the political and ecclesiastical life of Virginia. He served as Commissary for fifty-four years. During that time he labored not only as the chief representative of the Bishop of London in Virginia, but also as the founder and president of the College of William and Mary, as the benefactor of the colonial clergy, as a long-time member of the Council, and even for a short time as acting governor.

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[60] McIlwaine, *Executive Journals of the Council*, I, 245, 531. Session of July 5, 1692.

[61] The references to Temple are brief and sparse; see Charles Campbell, *History of the Colony and Ancient Dominion of Virginia* (Philadelphia: J. B. Lippincott & Company, 1860), 345. Hawks, *Contributions to Ecclesiastical History*, I, 73. Bruce, *Institutional History of Virginia*, I, 128. Goodwin, *The Colonial Church in Virginia*, 311. Brydon, *Virginia's Mother Church*, I, 232.

By the time Blair assumed his position late in the seventeenth century, the Anglican Church in Virginia was well developed along distinctive lines largely because of the absence of diocesan organization and the lack of episcopal authority. The result of these deprivations was a church in which the laity played a much more active and important role than normally would have been the case. The Governor performed some of the duties of a bishop. To the General Assembly fell the responsibility of legislating church polity and especially significant was the self-perpetuating vestry with its host of civil and ecclesiastical functions.

During the seventy-five year period from the dissolution of the Virginia Company to the end of the century, there were a few varied expressions of positive political action by the Anglican clergy. One event occurred in the 1630's. Sir John Harvey was appointed Governor at the beginning of the decade and by 1635 his unscrupulous and arbitrary conduct caused an exasperated Council to depose him. In 1634, he replaced the able and popular Secretary of State, William Claiborne, with Richard Kemp, but the Reverend Anthony Panton, rector of York and Chiskiack parishes, voiced his disapproval. According to the record,

> Mr Ponton abuses Mr secr Rich Kemp by calling him

> Jackanapes & saying ye King was misinformed of him that he was unfit for his place wou'd be shortly turn'd out as ye other secry was that he was poor and proud & that he'd preach agt his pride of a Lock he had tyed up with a ribbon as old as Pauls.[62]

The King sent Harvey back to Virginia in 1636. Over a year later the Governor allowed Kemp to bring Panton to trial for insubordination. His conduct was judged to be mutinous, rebellious, and riotous. The preacher was fined 500 pounds, his estate was confiscated and he was banished from the colony with the sentence of death imposed should he return. Panton went to England and appealed to the Privy Council which suspended his sentence and ordered an investigation. The Council learned of other injustices which Governor Harvey had perpetrated upon the residents of Virginia. As a result Harvey was replaced with former Governor Wyatt. In 1640, the General Court reviewed Panton's case and ordered his property restored and the Reverend returned to his parishes with compensation for lost salary to be made from the sale of the ex-governor's property.[63] A few years later, Panton again expressed his political sentiment when he opposed the removal of Governor Wyatt claiming that there was no just cause for the action, but his comments this time apparently caused no adverse repercussions.[64]

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[62] McIlwaine, *Minutes of the Council and General Court*, 481.

[63] Panton's case was fairly well covered in the court records; *ibid.*, 481, 482, 483, 492, 495-497. Court records were also reprinted in "Case of Anthony Penton," *Virginia Magazine of History and Biography*, V (1897-1898), 123-128. John Fiske, *Old Virginia and Her Neighbours* (Boston and New York: Houghton, Mifflin and Company, 1897), I, 295, 298, 299. Brydon, *Virginia's Mother Church*, I, 114-115. Bruce, *Institutional History of Virginia*, I, 208-209. Wertenbaker, *Virginia Under the Stuarts*, 81, 82, 83, 84. Morton, *Colonial Virginia*, I, 142-143.

During the Commonwealth period an aggressive Virginia clergyman sought to enter the field of politics. In 1653, the county of the Isle of Wight elected the Reverend Robert Bracewell to the house of Burgesses, but the House refused to seat him stating,

> It is ordered by this present Grand Assembly, That Mr. Robert Bracewell, Clarke, be suspended, and is not in a capacitie of serving as a Burgesse, since it is unpresidentiall, and may produce bad consequence.[65]

This action was in accord with a rule in effect in England which prohibited clergymen from sitting as members in the House of Commons, but it was the first time the Virginia legislature had been faced with the problem. The practice of excluding clergymen from the House continued until the mid-nineteenth century.[66]

Insufficient evidence suggests that a large majority of the clergy were noncommittal during Bacon's rebellion. Whether this lack of concern was genuine or merely expedient is unknown, but at least three ministers openly took sides, two in opposition to Bacon and one in support. John Clough, the minister of Jamestown, was an active supporter of Governor Berkeley. He was captured by Bacon and along with two others was tried by a military court and sentenced to death. Pleas of mercy were made for the three men and Bacon seemed willing to trade them for three of his supporters being held by Berkeley, but the trade was not made, nor were the condemned executed. Clough was later released and continued to minister in the colony; he died at Jamestown in 1684.[67]

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[64] Wertenbaker, Virginia Under the Stuarts, 85.

[65] Hening, Statutes at Large, I, 378.

[66] Brydon, Virginia's Mother Church, I, 128-129. Earl G. Swem, "The Disqualification of Ministers in State Constitutions," William and Mary College Quarterly Historical Magazine, XXVI (1917), 74. Goodwin, The Colonial Church in Virginia, 253.

At the time of Bacon's rebellion, the Reverend James Wadding occupied the pulpit of Petsworth Parish in Gloucester County. When Bacon sought to impose an oath of allegiance upon the people, Wadding refused to take the oath and counselled others to do likewise. Bacon responded by imprisoning the minister and telling him that his place to preach was in the church and not in the camp. In the church he could say what he pleased, but outside the church he had to say what pleased Bacon.[68] Ironically, as Bacon lay dying of dysentery, he summoned, possibly from prison, the Reverend Mr. Wadding to minister to him during his last moments. Wadding, true to Berkeley, urged all loyal subjects to support the Governor.[69]

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[67] Tyler, The Cradle of the Republic, 143. Goodwin, The Colonial Church in Virginia, 260. Wertenbaker, Torchbearer of the Revolution, 172. Brydon, Virginia's Mother Church, I, 188-189.

[68] A Narrative of the Indian and Civil Wars in Virginia

Thomas Gordon, minister of Farnham Parish in what was then Rappahannock County, cast his lot with Bacon. He was brought to trial for his participation and the General Assembly ordered him to appear before the Governor and Council on bended knees with a rope around his neck to acknowledge his treasonable acts and to beg for his life. He was to perform the same acts before the Rappahannock County Court. In addition, Gordon was sentenced to prison until his future good behavior could be guaranteed, and he was judged incapable of performing any ministerial function in any parish in the colony.[70] When the Reverend appeared before the court in his home county, the atmosphere was very much changed. Instead of appearing with a noose around his neck, Gordon and another man under the same sentence appeared with small tape as a substitute. The magistrates allowed and accepted the substitute, an action which the

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in the Years 1675 and 1676 (Boston: John Eliot, 1814), 27-28; reprinted in Force, Tracts and Other Papers, I, No. XI.

[69] Tyler, The Cradle of the Republic, 142-143. Goodwin, The Colonial Church in Virginia, 313. Wertenbaker, Torchbearer of the Revolution, 171, 177, 190. Brydon, Virginia's Mother Church, I, 188.

[70] Hening, Statutes at Large, II, 378.

General Court regarded as contempt and consequently ordered an investigation with punishment prescribed for all involved. At this point the record becomes silent and the final outcome of the affair is unknown.[71]

During the last third of the seventeenth century a rather colorful and controversial clergyman served the Anglican Church in Virginia. In 1667, John Waugh, a man of superior education and ability but also individualistic and self-willed, became the rector of Potomac Parish in the newly organized Stafford County, a charge he held for thirty-three years. Early in his career he ran afoul of the law by marrying couples without banns or licenses. In 1674, a distraught father of some means took the preacher to court for marrying his daughter to a poor man without going through the prescribed procedure. The case was brought before the Westmoreland County Court; Waugh was suspended from his parish for six months and fined ten thousand pounds of tobacco, over one-half of his annual salary.[72] The decision was appealed but the General Court upheld the action of the county court and, in addition, ordered the defendant to pay court costs and prohibited him from performing marriages without specific authorization from the Governor.[73]

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[71] Ibid., 557. Session of the General Court held on September 28, 1677. The identical record appears in McIlwaine, Minutes of the Council and General Court, 534. Brydon, Virginia's Mother Church, I, 189. Goodwin, The Colonial Church in Virginia, 320.

[72] "Westmoreland County Records," William and Mary College Quarterly Historical Magazine, XV (1906-1907), 183-184, 189.

In 1688, while the outcome of events in England was still uncertain, rumors spread through Stafford and its neighboring counties that the Roman Catholics of Maryland had hired the Indians to assist them in overrunning Virginia. Stafford, a frontier county lying just across the Potomac from Maryland, was seized with panic. One of the sources of the rumors proved to be none other than Parson Waugh. He used his pulpit to stir the people into a frenzy advocating the thesis that if there were no King in England, then there was no government in the colony and therefore the people should prepare for their own defense. Only quick action by several resident councilors prevented the situation from worsening. Nicholas Spencer, the Secretary of State for Virginia, reported the situation to the Lords of Board and Plantation and mentioned the circulation of the "no King, no government" theory but did not name any of the persons responsible for the spreading of the rumors and the theory.[74] The Virginia government, no doubt still well remembering the Bacon affair, regarded Waugh as a menace and ordered his arrest.[75] He was eventually brought before the General Court where, according to the prominent Stafford County lawyer and planter William Fitzhugh,

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[73] McIlwaine, Minutes of the Council and General Court, 384; session of September 29, 1674.

[74] J. W. Fortescue, ed., Calendar of State Papers, Colonial Series, America and West Indies, 1689-1692 (London: Mackie and Company, 1901), 32-33.

> The Conclusion of Parson Waugh's business, is, He has made a publick & humble acknowledgemt. In the Generall Court, by a set form drawn up by the Court, & ordered there to be recorded, & is appointed to do the same in our County Court . . . with a hearty penitence for his former faults, & a promised obedience for the future, which he sincerely prays for the accomplishment of.[76]

But Fitzhugh had by no means heard the last of his adversary, nor had Stafford County or the Virginia government. In 1691, the recalcitrant Waugh arrogantly appeared before the Stafford County Court declaring that he had come to correct the irregular proceedings of the court, at which time he called Fitzhugh a Papist who did not deserve the King's protection. Fitzhugh feared the statement was sufficient to cause the rabble to do him mischief. Consequently, he sent a letter to the court, upon which he had served for some time, informing them that he refused to serve further until the preacher's actions had been reported to the Council. The court ordered that a copy of

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[75] McIlwaine, Executive Journals of the Council, I, 104-105, 519, 522. Fairfax Harrison, "Parson Waugh's Tumult," Virginia Magazine of History and Biography, XXX (1922), 31-37.

[76] Richard Beale Davis, ed., William Fitzhugh and His Chesapeake World, 1676-1701: The Fitzhugh Letters and Other Documents (Chapel Hill: University of North Carolina Press, 1963), 286.

Fitzhugh's letter be sent to the Lieutenant Governor at the first opportunity, but there is no evidence that Fitzhugh ever reappeared on the court and it may be assumed that Waugh went unpunished.[77]

That the Reverend could get away with such shenanigans in Stafford County suggests that he was a man of considerable political influence, a contention which is verified by the fact that he was elected to the House of Burgesses by Stafford County in 1699. But the Burgesses treated him in the same fashion as they had Bracewell in 1653; they denied Waugh his seat because he was a clergyman.[78]

The old parson never changed; in 1699 a complaint was lodged with the Council by a resident of Maryland to the effect that Waugh had performed in that province an illegal marriage; as in days gone by he had performed the ceremony without a license or the publication of banns, both of which were required by law. The Council ordered Commissary Blair and the Attorney General to investigate.[79] Over a year later the Council ordered that Waugh be prosecuted;[80] he was again fined and suspended. About this time he retired from pastoral work and died in 1706.[81]

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[77] Ibid., 296-299.

[78] Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia 1695-1702 (Richmond: The Colonial Press, 1913), x, xxxiv, 140. Swem, "The Disqualification of Ministers in State Constitutions," 74-75.

[79] McIlwaine, Executive Journals of the Council, II, 31-32; session of December 19, 1699.

[80] Ibid., 136; session of April 25, 1701.

By the end of the seventeenth century the Anglican clergy of Virginia still had not played a significant role in the political life of the colony. John Waugh was undoubtedly the most active politically, but he was only one man and his actions had been restricted to Stafford County and its surroundings. Commissary Blair had been appointed to the Council in 1694. It was an important political position, but he was just beginning his career.

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[81] Brydon, Virginia's Mother Church, I, 236-238. Goodwin, The Colonial Church in Virginia, 315.

CHAPTER III

THE ERA OF COMMISSARY JAMES BLAIR, 1689-1743

The length and importance of the service of the Reverend James Blair as the Commissary of the Bishop of London to Virginia constitutes a significant era in the history of the colonial church. Blair was born in 1646, and educated in Scotland where, following in the footsteps of his father, he entered the ministry in 1679. A few years later he went to London where he met and impressed Henry Compton, the Bishop of London, who persuaded him to go to Virginia as a missionary. Blair arrived in the colony in 1685 and became the rector of Henrico Parish. Four years later, Compton appointed him Commissary, a position he held until his death fifty-four years later.[1]

Blair's commission was dated December 15, 1689,[2] but it was not presented to the Council in Virginia until June 4, 1690. This was the day after Francis Nicholson, the newly appointed Lieutenant Governor, had presented his own commission to the Council.[3] He arrived in the colony on May 16 and undoubtedly had brought Blair's commission with him.

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[1] William B. Sprague, Annals of the American Pulpit (New York: Robert Carter & Brothers, 1859), V, 7-9. Allen Johnson and Dumas Malone, eds., Dictionary of American Biography (New York: Charles Scribner's Sons, 1929), II, 335-337. Edgar Legare Pennington, Commissary Blair (Hartford: Church Missions Publishing Company, 1936), passim. Daniel Esten Motley, Life of Commissary James Blair Founder of William and Mary College (Johns Hopkins University Studies in Historical and Political Science, Series XIX, No. 10. Baltimore: Johns Hopkins Press, 1901), passim. Samuel Roop Mohler, "Commissary James Blair, Churchman, Educator and Politician of Colonial Virginia" (unpublished Ph.D. dissertation, University of Chicago, 1940), passim.

[2] The commission was listed uner the above date in Fortescue, Calendar of State Papers, Colonial Series, 1689-1692, 192. It was described as 1½ pages long and in Latin.

The Commissary's commission was brief and general. In it the Bishop of London acknowledged the limitations of his own ecclesiastical authority in the colony, namely, he could not grant marriage licenses, probate wills, or confer benefices; these powers were reserved for the Governor. Obviously, what the Bishop could not do in Virginia, neither could his Commissary, but Blair could do

> . . . whatever pertains and belongs, or ought to pertain and belong, to the office of our Commissary aforesaid, by law or custom according to the laws, canons and constitutions followed and observed, in the Church of England; with power moreover to set one or more clerk or clerks as substitute or substitutes in his place.[4]

Evidently the Commissary could exercise every power in the colony that the Bishop of London exercised in his own diocese except those powers which according to the polity of the Church of England only a bishop could perform, among the most important being confirmation and ordination.[5]

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[3] McIlwaine, Executive Journals of the Council, I, 114-116.

[4] A translation of Blair's commission appears in Brydon, Virginia's Mother Church, I, 280.

[5] Ibid., 281.

Although the canons of the Church provided for the office of Commissary, it had not been widely employed even in England before the time of Compton. The authority and duties of Commissary Blair were not well-defined and the Bishop may have intended them to be vague since he himself was uncertain of the extent of his newly acquired jurisdiction over the colonial church.[6] There is no evidence of the existence of any specific set of instructions from the Bishop to his Commissary in Virginia, nor of any file of regular reports from the Commissaries to the Bishop.[7]

Despite the vagueness of the first instructions, the Commissary did perform certain functions and they became more clearly defined, permanently established, and enlarged with the passage of time. As a deputy of the Bishop, the Commissary exercised general supervision over the colonial clergy. He could call a convention of the clergy; read instructions to them from the Bishop; admonish them in the name of the Bishop; preside over ecclesiastical courts and punish ministers who were delinquent in their clerical duties or were guilty of misconduct. He could also visit parishes to examine their condition and suggest candidates for vacancies.[8] Just how much power Blair was able to exercise over the clergy is questionable. Hugh Jones, a Virginia clergyman writing in 1724, stated that it was not extensive.[9] But if Blair really did not exercise much direct control over the clergy, he certainly proved himself able to influence the course of events in colonial religion and politics. As the representative of the Bishop of London, he had the weight of the Anglican Church and its hierarchy behind him. The hierarchy, in turn, had access to the King and Queen, the Privy Council, and the Board of Trade. In the judgment of Thomas J. Wertenbaker, Blair "could have almost any reasonable thing within the power of the royal government to give."[10]

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[6] Mohler, "Commissary James Blair," 87-88.

[7] Brydon, Virginia's Mother Church, I, 231.

[8] Mohler, "Commissary James Blair," 93. Percy Scott

Blair's labors as Commissary for over half a century may, for convenience, be divided into three categories: his role as founder and president of the College of William and Mary, his service as the religious leader of the colony, and finally his extensive activity in the field of colonial

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Flippin, The Royal Government in Virginia, 1624-1775 (Columbia University Studies in History, Economics, and Public Law, LXXXIV, No. 1. New York: Columbia University, 1919), 178-179. Henry Hartwell, James Blair, and Edward Chilton, The Present State of Virginia and the College, ed. Hunter Dickinson Farish (Charlottesville: Dominion Books edition, University Press of Virginia, 1964), 67-68.

[9] Hugh Jones, The Present State of Virginia, ed., Richard L. Morton (Chapel Hill: University of North Carolina Press, 1956), 96.

[10] Thomas J. Wertenbaker, "The Attempt to Reform the Church of Colonial Virginia," The Sewanee Review, XXV (1917), 262.

politics.[11] This study is primarily concerned with the last of these areas of the Commissary's labors, but it, of course, cannot be divorced from the two preceding and they will be discussed to the degree that they have bearing on Blair's political activities.

Soon after the new Commissary assumed his position he called an assembly of the clergy which convened in Jamestown on July 23, 1690. Under Blair's leadership the convention took action on two important matters; it passed a resolution appealing for help in the establishment of a college in Virginia and it also approved of a plan submitted by Blair which would begin the reform of abuses in the colonial church through the institution of ecclesiastical courts. In these activities Blair received strong support from Governor Nicholson.[12]

The appeal for help in the establishment of a college fell upon sympathetic ears in both houses of the Virginia legislature. Two days after the clerical convention at Jamestown had begun, the Governor ordered that persons be appointed and empowered to receive subscriptions from those who were willing to contribute to the founding of such an institution. Later, in a communication to the sheriffs of the colony, the Governor called for reports listing the supporters and opponents of the college.[13] In April, 1691, the Council and the House of Burgesses began action on a petition presented by Blair and the clergy for the construction of a college. The following month a supplication was drawn up by the Governor, the Council, and the Burgesses addressed to William and Mary appealing for their aid in the establishment of a college. Commissary Blair was appointed to present the supplication to the crown. The document also indicated that the college would be named William and Mary in honor of the reigning sovereigns.[14] Blair immediately left for England to fulfill his mission.

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[11] These divisions were employed by Motley, Life of Commissary James Blair, 5-6.

[12] Wertenbaker, "The Attempt to Reform the Church of Colonial Virginia," 267-268. Brydon, Virginia's Mother Church, I, 280.

The Commissary met with great success in the mother country. He won the support of the crown and a charter was granted for the Royal College of William and Mary on February 8, 1693. The charter contained provisions for the organization, administration, and support of the college. In accordance with the wishes of the General Assembly,

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[13] McIlwaine, Executive Journals of the Council, I, 121-122, 156.

[14] Henry R. McIlwaine, ed., Legislative Journals of the Council of Colonial Virginia (Richmond: The Colonial Press, 1918), I, 137, 138, 144-145, 153-154. Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia 1659/60-1693 (Richmond: The Colonial Press, 1914), 343, 344, 352, 353, 360-361, 363; the supplication to the crown was recorded in the House journal for May 20, 1691, ibid., 368.

Blair was appointed president of the institution. In the charter, the crown also granted to the president and faculty of the college full power, liberty, and authority to nominate and elect one representative to the House of Burgesses.[15] This privilege of electing a Burgess became effective immediately, but the officials of the college chose not to exercise it during the formative years of the institution.[16] The first representative took his seat in 1718.

The financial support of the college consisted of grants of land and monetary provisions. Money was supplied through a number of means. The crown gave nearly 2,000 pounds in cash out of the bank of quitrents. The crown also donated the income, which amounted to about 200 pounds annually, from a special tax of a penny per pound on tobacco shipped from one English plantation in America to another. Furthermore, the Trustees of the college were given control of the office of Surveyor General of the colony and all the income derived from that office which provided about fifty pounds annually. In addition, subscriptions in Virginia during Governor Nicholson's administration amounted to approximately 2,500 pounds with the

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[15] A copy of the charter was appended to Hartwell, Blair, and Chilton, The Present State of Virginia, and the College, 72-94.

[16] McIlwaine, Journals of the House of Burgesses of Virginia 1695-1702, 6, 60, 123, 138.

Governor personally contributing 350 pounds.[17] The General Assembly imposed a duty on skins and furs the returns of which went to the support of the college and amounted to about one hundred pounds annually.[18] Further income was supplied indirectly through an order from the Queen which specified that 800 to 900 pounds annually be taken from the income of quitrents and applied to the salary of the clergy.[19] Thus a general increase in clerical salaries would also benefit those clergymen connected with the college.

Upon his return to Virginia in 1693 Blair, flushed with success, immediately set to work on the establishment and construction of the college. On September 1, he reported to the Council and the following month he attended the October 20 session of the House of Burgesses to present the charter of the college and to give an account of his activities on behalf of the institution. The responsibility for legislation regarding the establishment, construction, and maintenance of the college lay, of course, with the

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[17] Hartwell, Blair, and Chilton, The Present State of Virginia, and the College, 60-61, 69-70, 91-92.

[18] Ibid., 70. McIlwaine, Journals of the House of Burgesses 1659/60-1693, lxxii, 475, 484, 486, 487, 489, 492. Hening, Statutes at Large, III, 122-124.

[19] Blair mentioned this source of clerical income in his critique of Governor Andros entitled, "A Memorial Concerning Sir Edmund Andros, Governor of Virginia," reprinted in Perry, Historical Collections, I, 13.

General Assembly and it acted accordingly.[20]

Prior to his trip to London in 1691, Blair received a memorandum from Governor Nicholson. It enumerated seventeen topics concerning the general condition of the church in Virginia which the Commissary was to discuss with the Bishop of London on behalf of the Governor. The final item mentioned that the clergy had no vote in the colonial government and no representation in either legislative house. Nicholson recommended that one or two clergymen be appointed to the Council.[21] The Bishop concurred with the recommendation and in order to further the welfare of the colonial clergy and enhance the effectiveness of his commissary in Virginia, he submitted a request to the Lords of Trade and Plantations that Blair be appointed to the Governor's Council.[22] The request was granted[23] and Blair was sworn into office on July 18, 1694.[24] This action made Blair an important political figure in Virginia. It gave him a seat and a vote in the upper legislative house of the General Assembly and made him a member of the highest court in the colony. This was the first time that a clergyman was given a position on the Council since the annulment of the charter of the Virginia Company in 1624 and the first time ever in Virginia as a royal colony.[25]

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[20] McIlwaine, Executive Journals of the Council, I, 294. McIlwaine, Journals of the House of Burgesses 1659/60-1693, 459.

[21] "Papers Relating to the Administration of Governor Nicholson and to the Founding of William and Mary College," Virginia Magazine of History and Biography, VII (1899-1900), 157-158.

[22] Mohler, "Commissary James Blair," 98.

[23] J. W. Fortescue, ed., Calendar of State Papers Colonial Series, America and West Indies, January, 1963-May, 1696 (London: Mackie and Company, 1903), 256.

[24] McIlwaine, Executive Journals of the Council, I, 315.

Blair has been described as "capable, industrious, fearless, . . . persistent, . . . sensitive and suspicious of others, domineering, and contentious."[26] Little wonder that he was destined to have trouble with leading colonial figures, most notably the Governor. Blair's success in the high political and ecclesiastical circles of London created enemies for him in Virginia and upon his return in 1693 he found that his old friend and ally, Lieutenant Governor Nicholson, had been replaced the preceding year by Sir Edmund Andros, the former Governor of the abortive Dominion of New England. Blair's energetic participation in colonial politics resulted almost immediately in friction between himself and the Governor.[27]

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[25] "The Colonial Council of Virginia," 65-67. Brydon, Virginia's Mother Church, I, 310. Cf., Goodwin's list of Anglican clergymen in Virginia between the dates of 1607 and 1785, The Colonial Church in Virginia, 245-319.

[26] Morton, Colonial Virginia, I, 350.

[27] Wertenbaker, "The Attempt to Reform the Church of Colonial Virginia," 271.

There were a number of elements which contributed to the development of conflict between the two men. The previously described characteristics of Blair were certainly not ones which would endear him to his superior and the clash of personalities may have been the chief cause of trouble.[28] In addition, Andros was jealous of Blair's influence in high places in London and he was offended that the Commissary had been appointed to the Council without his recommendation and against his wishes. On the other hand, Blair regarded himself as the religious leader of the colony and yet the Governor possessed superior ecclesiastical authority, a condition, to say the least, which did not create comfortable relations.

Notwithstanding the significance of the above causes, there was still another very important, although mundane, grievance between the two. Andros felt he had been imposed upon by the actions of the Commissary in connection with the founding of the college. He especially resented the inroads made upon the royal funds. The money the crown received in Virginia from quitrents, export duties on tobacco, and from a few other minor sources was insufficient to support the entire colonial government, but it was enough to cover the Governor's salary and thereby render him independent of the Assembly. The money for the college and for supplementing clerical incomes was to be taken from the royal fund in the colony. Andros believed that such a diversion of funds could do nothing but weaken the government and make it a burden upon the treasury in England. He evidently was convincing because the King modified the Queen's order and directed that an attempt be made for three years to run the colonial government without the use of quitrents. If it proved successful then the quitrents would be applied to the salary of the clergy as the Queen had originally ordered.[29] Blair later charged that the Governor intentionally paid certain expenses out of the quitrents which had not been previously charged to that fund in order to demonstrate that the colonial government could not get along without them.[30]

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[28] Louis B. Wright, "William Byrd's Defense of Sir Edmund Andros," William and Mary Quarterly, third series, II (1945), 49.

Although Andros initially looked with favor upon the college,[31] his ardor rapidly waned as the conflict with the Commissary developed. The Governor and his followers on the Council became not only indifferent, but even hostile toward the institution. Actually their hostility was directed more toward Blair, the president, than toward the college itself.[32] Their attitude simply aggravated further an already bad situation.[33]

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[29] Perry, Historical Collections, I, 13.

[30] Ibid., 65. Brydon, Virginia's Mother Church, I, 292.

[31] Fortescue, Calendar of State Papers, Colonial Series, America and West Indies, 1693-1696, 436.

The Andros-Blair feud reached a new phase in the spring of 1695 when the Governor with support from the Council suspended the Commissary's membership in that body. Blair was guilty of denouncing the Governor and his administration. The incident which triggered this castigation was in itself minor. Upon an occasion when Blair was sick the Governor had appointed another minister to preach in Jamestown in the Commissary's place. Blair claimed that neither the Governor nor even the King had the authority to appoint a minister to preach. He further contended that ministers need not present their credentials to the Governor but rather to him. Blair obviously was sensitive to the Governor's ecclesiastical authority. On April 19, 1695, the question of Blair's "undecent reflections" was brought up and it was the unanimous opinion of the Council that the Commissary ought not to sit with them pending further investigation. A week later the matter was brought up again and Blair's actions were reviewed. Witnesses testified that they had heard the Commissary declare that he could serve the clergy under Governor Nicholson but not under Governor Andros. Blair denied the report but the Council regarded the evidence as sufficient and the Commissary was suspended from the Council.[34] Blair's suspension was, of course, reported to London and within a few months orders were received from the King to reinstate the Commissary, but the whole procedure had taken over a year and Blair did not resume his seat on the Council until September 25, 1696.[35]

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[32] Morton, Colonial Virginia, I, 351. Wright, "William Byrd's Defense of Sir Edmund Andros," 49.

[33] For the development of the conflict between Andros and Blair see Wertenbaker, "The Attempt to Reform the Church of Colonial Virginia," 267-272. Wright, "William Byrd's Defense of Sir Edmund Andros," 47-50. Brydon, Virginia's Mother Church, I, 291-293. Michael G. Kammen, ed., "Virginia at the Close of the Seventeenth Century: An Appraisal by James Blair and John Locke," Virginia Magazine of History and Biography, 74 (1966), 145-146.

Seven months later Blair again found his position on the Council in jeopardy, but this time it was part of his own doing. Parliament had recently passed a law to prevent fraud and regulate abuses in the plantations. Among its provisions was the stipulation that it was unlawful for any but native-born citizens of England, Ireland, or the colonies to serve on colonial courts or as officers of the treasury. A native of Scotland, Blair himself raised before the Council the question of his eligibility to sit as a judge on the General Court. The issue was debated and the Council decided that the Commissary was not only ineligible to sit on the court but to serve on the Council as well. In an effort to make the affair the least painful as possible for all concerned, the Governor attempted to persuade Blair to remove himself from the Council, but the Commissary refused thereby forcing his second suspension.[36]

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[34] McIlwaine, Executive Journals of the Council, I, 324, 325.

[35] Ibid., 352. Hartwell, Blair, and Chilton, The Present State of Virginia, and the College, 38.

Blair also suffered defeat in his attempt to establish ecclesiastical courts with jurisdiction to try not only clerical but also lay offenders of the moral law. Immediately upon conclusion of the clerical convention of 1690, the Commissary issued a proclamation entitled, "Order of the Meeting of the Clergy Touching the Ecclesiastical Jurisdiction," which contained the following statement,

> . . . with the Advice of the Clergy of this Colony at their General Meeting forsd, Certify to all persons Concerned yt I intend to revive and put in execution the Ecclesiastical laws against all cursers Swearers & blasphemers, all whoremongers fornicators and Adulterers, all drunkards ranters and profaners of the Lord's day and Contemners of the Sacraments, and agt all other Scandalous persons, whether of the Clergy of Laity within this dominion and Colony of Virginia.[37]

In this affair, Blair was, no doubt, a little overambitious and probably overstepped his authority as Commissary.[38]

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[36] McIlwaine, Executive Journals of the Council, I, 364. Blair's version of the affair appeared in "A True Account of a Conference at Lambeth, Dec. 27, 1697," which is reprinted in Perry, Historical Collections, I, 58-62. Wright, "William Byrd's Defense of Sir Edmund Andros," 51-52.

[37] Brydon, Virginia's Mother Church, I, 282. The entire proclamation is reprinted on pp. 281-283.

[38] *Ibid.*, 280-281.

There can be little wonder that the attempt to establish in Virginia the ecclesiastical courts so hated in England found meagre support. Yet the lack of forceful opposition may have been an indication that Virginians were uncertain whether Blair actually did have such authority.

Opposition to the courts did come, however, but in a subtle way. On May 21, 1691, ten months after Blair's proclamation, the House of Burgesses received a message from the Governor in which he explained that two clergymen, one of whom had been designated the Commissary's surrogate in the proclamation, had ordered a layman to appear before them to answer certain allegations and complaints against him. The Governor summoned the clergymen and in his presence they acknowledged their error. The chief executive then inquired of the House if they desired any further proceedings against the ministers, "to which the House returned answer, that being well satisfied of his Honrs care in that affaire they humbly Submitted it to his honr prudence."[39] There is no record of any other action. This, evidently, had been sufficient to kill the Commissary's scheme for the establishment of ecclesiastical courts in the Old Dominion.[40]

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[39] McIlwaine, Journals of the House of Burgesses, 1659/60-1693, 366-367.

[40] For a complete discussion of Blair's attempt to establish ecclesiastical courts see Brydon, Virginia's Mother Church, I, 280-287.

Blair himself apparently understood that this was the end of the matter. There is no evidence that he fought to retain the courts, nor does he mention them later in documents pertaining to the condition of the church in Virginia in which he also proposed remedies for the problems of the church. If Blair had really believed that ecclesiastical courts were essential to the welfare of the colonial church, he most certainly would have so indicated in such documents.[41]

Ecclesiastical affairs requiring judicial action were handled by the Council sitting as a General Court.[42] This arrangement prevailed with the result that there never were ecclesiastical courts in colonial Virginia. Clergyman Hugh Jones stated,

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[41] Cf., the following documents by Blair, "Some of the Chief Grievances of the Present Constitution of Virginia, With an Essay Towards the Remedies Thereof," reprinted in Kammen, "Virginia at the Close of the Seventeenth Century," 153-169. "A Proposition for Supplying the Countrey of Virginia with a Sufficient number of much Better Clergymen than have usually come into it, and for the right Settling of good Government of them," in the Papers of the Society for the Propagation of the Gospel in Foreign Parts, Series C, Reel 2, pp. 3-8 (microfilm copy in the University of Georgia Library); reprinted in Samuel Clyde McCulloch, "James Blair's Plan of 1699 to Reform the Clergy of Virginia," William and Mary Quarterly, third series, IV (1947), 76-85.

[42] Hartwell, Blair, and Chilton, The Present State of Virginia, and the College, 34, 44, 47, 49. Robert Beverley, The History and Present State of Virginia, ed. Louis B. Wright (Chapel Hill: University of North Carolina Press, 1947), 255.

> . . . the corrupt abuses and rigour of ecclesiastical courts have so terrified the people, that they hate almost the very name, and seem more inclinable to be ruled by any other method, rather than the present spiritual courts.[43]

The "present spiritual courts" to which Jones referred were the ecclesiastical courts which existed in England, the most notable of which were the Star Chamber Courts. These courts had a well-known reputation for persecuting dissenters which accounts for the fear by the colonists.[44]

Although defeated in his attempt to establish ecclesiastical courts, Commissary Blair was successful in other areas of church reform. He managed to win an increase in clerical salaries but not without a struggle. While in London securing the charter for the college, he was also working for more money for his ministers in Virginia. His initial efforts were successful as the Queen ordered a portion of the quitrents to be used to supplement clerical income. As previously mentioned, the King modified the order and the Governor directly opposed it. As early as 1691 Blair had petitioned the House of Burgesses for an increase in clerical salaries,[45] but very little was done about the matter until both houses of the legislature took it up again in 1695. The Council favored an increase in salaries, but the House opposed. When the House convened in April, 1695, several letters were laid before it which the Governor had received from the King. Among them was one calling for an adequate salary for the clergy.[46] Pursuant to the instructions in the letter, the Governor delivered a speech in which he recommended that the House take action on the matter, to which the House replied in part,

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[43] Jones, The Present State of Virginia, 96.

[44] Ibid., 188, 225 (editor's notes). Brydon, Virginia's Mother Church, I, 406.

[45] McIlwaine, Journals of the House of Burgesses, 1659/60-1693, 344.

> . . . most if not all the Ministers of this Country are in as good a Condition in pointe of Livelyhood as a Gentleman that is well seated & hath twelve or fourteen Servants. and are humbly of opinion that the Laws of this Country doe Sufficiently provide for a Ministers Maintenance in which they are ye more assured by their Observation & certain knowledg that where the Ministers have proved frugall men they have still raised their ffortunes, from which it cannot but be necessarily Concluded that the greatest part of the Clergy of this Country are well content with their present provisions, & that all informations made to the Contrary have proceeded from none but such as are too avariciously inclined.[47]

The clergy, of course, did not agree with the conclusions of the House. To express their opposition they met in convention on June 25, 1696, and drew up a document which was signed by Blair and fifteen other clergymen and addressed to the Governor and Council. In it they claimed that the circumstances of the clergy in Virginia were most deplorable, which was an outright denial of the conclusions reached by the House. In view of the opposition of the House to their relief, they requested the Governor to intercede on their behalf with the crown.[48] The Governor obligingly sent the document to the House of Burgesses.

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[46] Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1695-1702 (Richmond: The Colonial Press, 1913), 9.

[47] *Ibid.*, 16.

The House did not take kindly to the aspersion cast upon its judgment. The Burgesses responded claiming that "the said Address doth Contain a most malicious Scandalous & unjust reflection upon the proceedings of the last house of Burgesses and in that a great & groundless abuse to the whole Countrey."[49] Whereupon they ordered a more complete statement regarding the condition of the clergy be drawn up.[50] It was presented the following day and contained the same conclusions that they had previously reached. The House again considered the complaint of the clergy to be without just cause. Yet out of regard for the instructions from the crown, the recommendations of the Governor, and in order to remove all pretense for future complaint, the House advanced the salary of the clergy from 13,333 to 16,000 pounds of tobacco annually.[51] This remained the normal salary for a parish minister until the Revolution.

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[48] *Ibid.*, 98-99. Session of October 30, 1696.

[49] *Ibid.*, 99.

[50] *Ibid.*

[51] *Ibid.*, 101. Hening, *Statutes at Large*, III, 151-153. According to Brydon's calculations the raise in salary amounted to a net gain of a mere 650 pounds, *Virginia's Mother Church*, I, 314. For a complete discussion of the salary question see pp. 310-319.

In 1697, Blair returned to England, ostensibly to look after the financial affairs of the college, but more than likely he really desired to engineer the removal of Andros. As indicated earlier, Blair had important ecclesiastical and political connections in London. He was the personal choice of the Bishop of London, Henry Compton, for the commissaryship of Virginia and consequently had the strong support of that office. Compton, of course, had considerable influence with the rest of the Anglican hierarchy, especially Thomas Tenison, the Archbishop of Canterbury.

In political circles, Blair's most important contact was John Locke. Locke had become a commissioner on the newly-formed Board of Trade in 1696 and soon proved to be a dominant member and a confidant of the Lord High Chancellor of England, John Somers. Blair's association with the commissioner was further strengthened by the fact that his old ally Nicholson, then serving as Governor of Maryland, had also won Locke's patronage.[52] Seeking to secure information about conditions in Virginia, Locke had asked Blair to prepare a report for him. The Commissary drew up a document in which he enumerated grievances in seven major areas of concern in Virginia[53] and proposed specific remedies for each grievance.[54] In addition, Blair also composed "A Memorial Concerning Sir Edmund Andros, Governor of Virginia," in which he blamed the Governor for practically all of the difficulties the clergy and the college were experiencing in the colony. Blair was unquestionably too harsh on the Governor.[55]

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[52] Kammen, "Virginia at the Close of the Seventeenth Century," 141-145.

[53] The areas were population, arbitrariness of the

The Blair-Andros controversy generated great concern among civil and ecclesiastical authorities in England. The Board of Trade conducted an investigation of conditions in Virginia during the course of which Blair along with Henry Hartwell and Edward Chilton presented a report entitled The Present State of Virginia, and the College. It was essentially a description of the economic, political, and ecclesiastical conditions in Virginia, well seasoned with criticism. The report especially presented the Blair side of the controversy with Andros.[56] A further step was taken to resolve the controversy when the Archbishop of Canterbury and the Bishop of London called a conference to meet at

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government, administration of justice, management of the Council, the General Assembly, the clergy and religion, and the mismanagement of the revenue.

[54] Ibid., reprinted on pp. 153-169.

[55] Reprinted in Perry, Historical Collections, I, 10-29.

[56] Hartwell, Blair, and Chilton, The Present State of Virginia, and the College, passim. For an example of the Blair bias see pp. 37-39. Wright, "William Byrd's Defense of Sir Edmund Andros," 52.

Lambeth Palace, the Archbishop's home, on December 17, 1697. In attendance were the Archbishop, the Bishop, Commissary Blair, John Povey, Secretary of the Lords of Trade and Plantations, Richard Marshall and William Byrd II, on behalf of Governor Andros, and Benjamin Harrison, Jr., in support of his brother-in-law, the Commissary. During the conference the entire story of the conflict between Blair and Andros was retold in considerable detail. Blair, of course, gave full expression to his viewpoints, but the defense of Andros was left primarily to Byrd. Byrd attempted to demonstrate that Andros was a true friend of the clergy and the college and although he presented his case for the Governor well, it was evident that the sentiments of the churchmen were with Blair.[57]

The outcome of the whole affair was the resignation of Andros in the spring of 1698. Actually he was forced to do so as a result of pressure from higher authority. There can be no question that the pressure had been brought to bear through the political and ecclesiastical influence of Blair. The following year, the Governor of New York,

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[57] A record of the conference was kept and appears under the title, "A true Account of a Conference at Lambeth, Dec. 27, 1697," and is reprinted in Perry, Historical Collections, I, 36-65. Byrd's defense of Andros was later amplified and recorded under the title, "A Vindication of Sir Edmond Andros before the Arch Bishop of Canterbury and the Bishop of London at Lambeth," reprinted in Wright, "William Byrd's Defense of Sir Edmund Andros," 54-62.

Richard Coote, Earl of Bellomont, stated the generally accepted view that "Sir Edmund Andros for quarrelling with Dr. Blair in Virginia brought the resentment of the Bishop of London and the Church (they say) on his head, which is the reason he has lost his Government."[58] Andros, no doubt, was exasperated and perplexed by the whole affair. In April, 1697, a year before his resignation, he wrote to the Duke of Shrewsbury:

> I am advised from home that I am reflected upon as an obstructor of the Royal commands for the church and college. I know not the cause, nor have I ever been wanting in my duty, though it is not possible for me to please Commissary Blair . . . .[59]

Former Lieutenant Governor Francis Nicholson was appointed to replace Andros and this time with the rank of Governor. Blair's influence in high places proved to be an important factor in securing the position for Nicholson.[60] The Commissary had anticipated, based on their past relationship, a time of smooth sailing and progress through cooperation between himself and the Governor,[61] but he was gravely mistaken. Upon his return to Virginia, in 1698, Blair brought with him Nicholson's commission and some letters from the Archbishop of Canterbury and others advising the new Governor to employ moderation in his administration. The occasion for the admonition was the existence of complaints against Nicholson's administration as Governor of Maryland. He resented the advice and replied with, "I know better to Govern Virginia & Maryland than all ye Bishops in England."[62] When Blair expressed his agreement with the wisdom of the advice, the Governor rebuked him and ordered the Commissary not to speak to him again about any matters relating to the government.[63] Although Nicholson's passions cooled, his attitude forebode of trouble in the future.

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[58] Earl of Bellomont to the Council of Trade and Plantations, in Cecil Headlam, ed., Calendar of State Papers, Colonial Series, America and West Indies, 1699 (London: Mackie and Company, 1908), 138.

[59] J. W. Fortescue, ed., Calendar of State Papers, Colonial Series, America and West Indies, 15 May, 1696-31 October, 1697 (London: Mackie and Company, 1904), 466.

[60] Blair to the Archbishop of Canterbury, 1702; Perry, Historical Collections, I, 75.

[61] Blair to the Archbishop of Canterbury, July 13, 1702; ibid., 125.

Nicholson did not appoint Blair to the Council until ordered to do so by the King late in 1700.[64] The Commissary resumed his seat on June 9, 1701, after an absence of over four years.[65] Nevertheless, peaceful relations existed between the two men for the first four years of the

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[62] Blair to the Archbishop of Canterbury, 1702; _ibid._, 76.

[63] _Ibid._, 77.

[64] Cecil Headlam, ed., _Calendar of State Papers, Colonial Series, America and West Indies, 1700_ (London: Hereford Times Company, 1910), 771.

[65] McIlwaine, _Executive Journals of the Council_, II, 146.

Governor's administration. But Nicholson was hot-tempered, arbitrary, and bullish and these characteristics made for him many enemies among important people in Virginia. With Nicholson's personality having so radically changed since his former days in Virginia as Lieutenant Governor and with Blair being domineering, influential, and demanding, a controversy between the two was inevitable. It finally came in 1702.

A number of minor incidents caused the alienation of Blair and Nicholson. Blair delivered a funeral oration at the college in memory of the recently deceased King William in which he reflected upon the mildness and gentleness of the reign of the late King. The Governor took this as an indirect attack upon himself for what Blair described as "his furious and mad way of Government."[66] Furthermore, Nicholson was criticized for his extravagance in the festivities, which followed the memorial service, celebrating Queen Anne's accession. The affair cost the Governor 500 pounds and resulted in much drunkenness among those in attendance.[67]

Further hard feelings between the Governor and the

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[66] Blair to the Archbishop of Canterbury, July 13, 1702; Perry, Historical Collections, I, 125.

[67] Col. Quary to the Council of Trade and Plantations, October 15, 1703; in Cecil Headlam, ed., Calendar of State Papers, Colonial Series, America and West Indies, December, 1702-1703 (London: Hereford Times Ltd., 1913), 733.

Commissary were caused by a somewhat humorous incident which occurred late in the same year. Following a custom which had developed a few years earlier, the boys at the college barred their teachers from the buildings at Christmas time until they were granted a few extra days vacation. In past years, Blair had participated in the humor of the affair, but in 1702 the outcome was not so happy. After the Commissary failed to persuade the boys to admit him, he ordered two of his servants to break down the door. Upon doing so the boys fired upon them with powder. Blair did not take kindly to the affair and believed that the Governor had incited them to riot. When Blair inquired of the Governor regarding the dismissal of the offenders, the Governor merely ordered them back to their studies until the usual time for vacation. Blair sought to create the impression that the Governor had encouraged the boys in their actions and had even provided them with powder and shot hoping that they would shoot the Commissary. Nicholson, the students, and the teachers all denied that this was so.[68]

Nicholson played the fool in a love affair which resulted in the creation of more enemies and a rise in his unpopularity. The Governor, who was in his forties, fell madly in love with Miss Lucy Burwell, still in her teens.

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[68] An affidavit of Blair regarding Nicholson's administration, May 1, 1704; in Perry, Historical Collections, I, 137-138. Morton, Colonial Virginia, I, 378.

Nicholson was so insanely jealous that he threatened to persecute all potential rivals, among whom he included the brother of the Commissary. The Burwell's clergyman, the Reverend Stephen Fovace, happened to be a bachelor and Nicholson also suspected him as a rival. Fovace, returning from a visit to the ailing Major Burwell, met the Governor on the road. Nicholson being armed threatened, insulted, and abused Fovace with such passion that the minister fled for his life. He was so frightened that he boarded a ship and escaped to England. Blair reported that Nicholson was serious when he said that if Lucy should marry another he would kill three men: the bridegroom, the minister that performed the ceremony, and the justice of the peace who signed the license. Nicholson became so preoccupied with this love affair that he not only made many enemies but also greatly neglected his business.[69]

As the rift between the Governor and the Commissary widened, Blair and his supporters began a move to have

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[69] So significant was this affair for the welfare of the colony that it was mentioned in numerous reports and letters by the Governor's opponents. See Fovace to the Bishop of London, September 28, 1702; reprinted in "Documents Relating to the Early History of the College of William and Mary and to the History of the Church in Virginia," *William and Mary Quarterly*, second series, XIX (1939), 358, 360. "Affidavit of Stephen Fouace relating to the maladministration of Col. Nicholson, Governor of Virginia," dated April 25, 1704; in Perry, *Historical Collections*, I, 87-93. See also Blair's affidavit dated April 25, 1704; *ibid.*, 102. Fouace was a variation in spelling for Fovace.

Nicholson replaced. Fovace carried with him to England a letter from Blair to the Archbishop of Canterbury in which the Commissary denounced Nicholson's conduct and criticized the Governor's administration and his abuse of the people.[70]

Early in 1703 six Councilors, including Blair,[71] sent a memorial to the Queen in which they listed their grievances against Nicholson and requested his recall.[72] A short time later, Blair unexpectedly left for England where he remained until Nicholson was recalled two years later. In England the Commissary worked ardently for the removal of the Governor. Blair and five others filed detailed affidavits regarding the malfeasance of Nicholson. Blair by far was the most energetic; he alone submitted three affidavits.[73] The Queen referred the memorial and the affidavits to the Board of Trade which in turn recommended that they be sent to Nicholson in order that he might have a fair chance to defend himself. The Board also suggested that additional testimonies and affidavits both for and against the Governor be collected in Virginia.[74] The Queen so ordered.[75] Nicholson sought to defend himself in a number of long letters to the Board of Trade early in March, 1705, but on the whole his answers to the charges were unconvincing.[76] Furthermore, he was too late; an order for his recall was issued on April 12, and five days later Major Edward Nott was appointed Lieutenant Governor to succeed him.[77]

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[70] Blair to the Archbishop of Canterbury, July 13, 1702; *ibid.*, 124-126.

[71] The others were Robert Carter, Philip Ludwell, John Lightfoot, Mathew Page, and Benjamin Harrison.

[72] Cecil Headlam, ed., *Calendar of State Papers, Colonial Series, America and West Indies, 1704-05* (London: Hereford Times Ltd., 1916), 91-95.

[73] See affidavit of Fovace, April 25, 1704; in Perry, *Historical Collections*, I, 87-93. Blair's first affidavit carried the same date, *ibid.*, 93-112; his second, May 1, 1704, *ibid.*, 131-138; his third and most important affidavit was dated June 7, 1704, and is reprinted in Samuel Clyde McCulloch, ed., "The Fight to Depose Governor Francis Nicholson--James Blair's Affidavit of June 7, 1704," *Journal of Southern History*, XII (1946), 414-422.

Using the reports of Blair, the Councilors, and others sympathetic with them as a criterion, it would appear as if Nicholson were completely inept and intensely unpopular in the colony, but in reality this was not the case. On May 1, 1705, the Governor delivered a speech to the House of Burgesses and laid before them the documents he had received from the Board of Trade and the accusation of malfeasance from the Council.[78] The following Friday the

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[74] Headlam, Calendar of State Papers, 1704-05, 166.

[75] Ibid., 168.

[76] Ibid., 397-402, 403-406, 411-428, 429-437.

[77] Ibid., 480, 485.

[78] Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1702/03-1712 (Richmond: The Colonial Press, 1912), 101-102.

House passed a resolution commending the Governor and stating that most of the residents were not in agreement with that part of the Council which had accused the Governor of malfeasance. The next day six more resolutions were passed in the House by a margin of twenty-seven to seventeen which amounted to a vote of confidence in Nicholson.[79] The last resolution was in effect a rebuke to the Council and others for their actions which, of course, included Blair. It stated,

> That whoever pretends to take upon himself to represent the Country in general under any Grievance or pressure without the consent & authority of this House to do so, is thereby guilty of an unwarrantable Act tending to the prejudice of the Country.[80]

A large majority of the clergy sided with the Governor and opposed Blair. Despite his eccentricities, Nicholson had befriended the clergy and had given considerable support to the advancement of religion in the colony. In fact, the Governor was well-known in England and America for his ecclesiastical activities. He assisted Thomas Bray in the founding of the Society for the Promotion of Christian Knowledge and was an ardent patron of the Society for the Propagation of the Gospel in Foreign Parts.[81] After

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[79] Ibid., 107-108. McIlwaine, Legislative Journals of the Council, I, 418.

[80] Ibid.

[81] Ruth M. Winton, "Governor Francis Nicholson's Relations with the Society for the Propagation of the Gospel in

Blair's departure for England in 1703, the clergy held a convention during which a letter was composed to the Bishop of London. The letter was signed initially by seventeen clergymen with an additional three signing later. In it they supported the Nicholson administration and criticized Blair for his disrespectful actions toward the Governor and for his arbitrary handling of the clergy.[82]

The next summer, twenty-four clergymen signed a letter of thanks to the Governor for his expressions of interest and concern toward the clergy. The following February (1705), twenty-seven ministers signed letters to the Board of Trade, the Archbishop of Canterbury, and the Bishop of London in which they again denounced the Commissary's unjust attacks upon the Governor.[83]

The support of the Burgesses and the clergy proved to be of no avail. Nicholson was removed. Although he had defects in his character, "he might have continued in Virginia had his enemies been led by a less influential,

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Foreign Parts, 1701-1727," Historical Magazine of the Protestant Episcopal Church, XVII (1948), 274-286. Morton, Colonial Virginia, I, 385-386.

[82] The convention was held on August 25, at Williamsburg. The letter is reprinted in "Documents Relating to the . . . History of the Church in Virginia," 361-366.

[83] "Papers Relating to the Administration of Governor Nicholson and to the Founding of William and Mary College," Virginia Magazine of History and Biography, VIII (1900-01), 46-54, 275-276, 366-368.

forceful, and determined man than the Reverend James Blair."[84] There can be no question that Nicholson had his faults and committed many indiscretions. But, on the other hand, Blair most assuredly was extremely unjust in his attacks upon the Governor and inconsistent in his views. In several cases Nicholson was criticized by Blair for doing the very thing that the Commissary had condemned Andros for not doing. For example, Blair accused Andros of failing to assemble the militia. Later he denounced Nicholson for calling it out too often. On another occasion, the Commissary objected to the opening up of certain lands by Andros and then later complained when Nicholson closed them.[85]

Nicholson's successor, George Hamilton, the Earl of Orkney, never came to Virginia but served as an absentee Governor from 1705 to 1737. He sent Lieutenant Governor Edward Nott as his deputy in 1705, but Nott's service was cut short by death the following year. From 1706 to 1710,

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[84] Morton, Colonial Virginia, I, 387. Nicholson's recall from Virginia was by no means the end of his career. He became Governor of Nova Scotia in 1713 and seven years later was appointed the first royal Governor of South Carolina. The bestowing of these further responsibilities serves as mute testimony to the fact that the government in England was not convinced that Nicholson was as inept an administrator as Blair and his associates made him out to be. For a good account of Nicholson's career see Stephen Saunders Webb, "The Strange Career of Francis Nicholson," William and Mary Quarterly, third series, XXIII (1966), 513-548.

[85] McCulloch, "The Fight to Depose Governor Francis Nicholson," 412-413.

Edmund Jennings, the President of the Council, served as acting Lieutenant Governor until Alexander Spotswood was appointed to that office in 1710.

Spotswood was one of colonial Virginia's best Governors. He was a man of considerable ability, drive, enthusiasm and imagination. He made an appreciable contribution to the progress of the colony but certain basic attitudes made him many enemies and much opposition. He was an ardent Tory and imperialist believing that the colony existed solely for the welfare of the mother country and that all questions of colonial policy had to be interpreted in terms of their relationship to England. Furthermore, he was intensely autocratic in his view of authority. The crown was sovereign in the colony and he was the crown's personal representative in the colony and thereby possessed delegated authority which was not subject to question any more than royal authority.[86]

With this attitude, the Governor like his predecessors was bound to come in conflict with Commissary Blair. In accord with his overall view, Spotswood regarded himself as the leading ecclesiastical authority in the Virginia church. The Spotswood-Blair controversy did not develop until late in the Governor's twelve-year administration. The issue of contention was the extent of the Governor's authority in the induction of ministers into their parishes. Spotswood claimed the right to nominate the incumbent of every benefice and that the vestry had no rights in the selection of their minister other than the acceptance of whomever the Governor chose for them. The vestry would then present the candidate to the Governor for induction. Such a view, however, was in direct opposition to the custom that had developed in Virginia during the seventeenth century.

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[86] Spotswood's views are described in Morton, Colonial Virginia, II, 409-411. Brydon, Virginia's Mother Church, I, 330-334.

The vestries had adopted the practice of not only selecting their own ministers, but also of not presenting them to the Governor for induction. Induction placed a minister in his parish permanently and he could not be removed except by trial before an ecclesiastical court. Such courts did not exist in Virginia thereby making it no easy matter to have an inducted minister removed. In order to avoid being saddled permanently with an incompetent or undesirable clergyman, the vestries simply did not present their ministers for induction, but hired them on a year by year basis.

Blair urged the Governors to exercise their authority of induction in order to strengthen the position of a clergyman in his parish, but he did not dispute the vestry's right to select their own minister. In times past the Commissary had specifically recommended induction as one of the important remedies for the weakness of the colonial church.[87] To determine precisely the duty and authority of the Governor in this matter, Nicholson, at Blair's insistence, had asked for and received in 1703 an opinion from Edward Northey, the Attorney General of England. Northey said that the parishes had the right of advowson, that is, they could select their own ministers and then present them to the Governor for induction. He also declared that in the absence of specific laws in Virginia as to what should be done when vestries failed to present ministers for induction, then the laws of England were in effect and they indicated that when the owner of an advowson failed to present a new candidate to the bishop for induction within six months of the vacancy then the bishop must select and induct a minister of his own choice.[88] This is how the matter stood when Spotswood raised the issue in 1718.

The issue was complicated by the inconsistency in the Commissary's attitude toward induction. At times he sided with the vestries because he understood the problem of disciplining a minister who had been permanently inducted. On the other hand, he favored induction in order to give ministers security in their parishes. In his plan of 1699 for the reform of the clergy, Blair recommended induction but advocated a much longer time lapse before the right of selection should pass to the Governor. He suggested that after a vacancy occurred, the vestry should be allowed eighteen months in which to secure a new minister and then he should be given a year's trial before being presented for induction. Thus two and a half years could elapse before a vestry was required to present a clergyman for induction into a vacancy. If at the end of this period the vestry failed to make a presentation, then, according to Blair's plan, the right of presentation should pass to the Bishop of London or his Commissary for a period of one year. If they should fail to act within the prescribed time, then the right would pass to the King or his Governor. Thus a vacancy could exist for three and a half years before the Governor could make his own selection. In addition to his support for induction, Blair proposed as a safeguard a plan whereby a minister, even though he be inducted, could be removed without great difficulty if he were guilty of misconduct. The Commissary recommended that varying degrees of punishment be imposed upon the erring clergyman depending upon the nature and frequency of the offense. For negligence in the performance of his clerical duties a minister should receive an admonition from his fellow clergymen at a district meeting. A second offense should carry a more public admonition from a general meeting of the clergy of the colony. The third offense carried suspension from office and benefice for one year and a fourth the permanent loss of position and living. Cursing, drunkenness, or fighting carried the penalty of suspension and loss of benefice for one year for the first offense; the second, suspension and loss of benefice for three years; and the third, permanent suspension from the ministry in the colony. More serious misconduct such as adultery, blasphemy, heresy, and ridicule of the Holy Scriptures should carry, according to Blair, the penalty of three years suspension for the first offense. Although not specifically indicated, the second offense presumably carried permanent suspension.[89]

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[87] Blair made this recommendation in the report he prepared for Locke; Kammen, "Virginia at the Close of the Seventeenth Century," 167. It was also included in his plan of 1699; McCulloch, "James Blair's Plan of 1699 to Reform the Clergy of Virginia," 79. Cf., Hartwell, Blair, and Chilton, The Present State of Virginia, and the College, 67.

[88] Perry, Historical Collections, I, 127-128. Brydon, Virginia's Mother Church, I, 322-323.

Obviously, there existed a large gap between the views expressed by Blair in 1699 and the authority claimed by Spotswood in 1718. In the meantime, the colony, including Blair, had accepted Northey's decision and even Spotswood had been willing to abide by the custom in Virginia for the first eight years of his administration.

Actually the issue between the Commissary and the Governor was not over the Governor's right to induct but over the right of the Governor to select a minister for a parish before the six months had elapsed. The showdown finally came in 1718 when St. Anne's Parish presented its selection for induction, but Spotswood inducted a different man of his own choice. The parish objected, directly challenging the Governor's position. In response, the Governor firmly informed the parish that he had the authority to select its minister and that he fully intended to do so. The parish acquiesced.[90] Spotswood had won the first round.

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[89] McCulloch, "James Blair's Plan of 1699," 79, 82-84. Mohler, "Commissary James Blair," 108-109.

The Governor himself set the scene for the next encounter. As the controversy with St. Anne's Parish was drawing to a close, Spotswood offered the incumbent of James City Parish a better position which the minister accepted. This left the James City Parish vacant and it so happened that Philip Ludwell, a long-time enemy of the Governor, and Archibald Blair, the Commissary's brother, were members of the vestry. These two, along with the Commissary, persuaded the remainder of the vestry to join them in calling a minister of their own choice upon the condition that the individual should not consult the Governor about it. Spotswood became so indignant over the matter that most of the vestrymen changed their minds and yielded to the Governor.[91] Spotswood had won another victory.

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[90] Regarding the affair see Spotswood's letter to the vestry of St. Anne's Parish in Perry, *Historical Collections*, I, 204-208; see also Blair's remarks upon the Governor's letter, *ibid.*, 234-242. Leonidas Dodson, *Alexander Spotswood: Governor of Colonial Virginia, 1710-1722* (Philadelphia: University of Pennsylvania Press, 1932), 196-198.

Upon the request of the Bishop of London a convention of the clergy was called in April, 1719, to discuss the welfare of the church. The meeting revealed that a majority of the clergy sided with Spotswood and opposed Blair. The clerical enemies of Blair, led by Hugh Jones, not only disagreed with the Commissary on induction, but also questioned the validity of his ordination, the purity of his doctrine, and his adherence to the liturgy. But the convention was little more than a deliberative session and its actions had little effect.[92] In a lengthy letter to the Bishop of London, Blair specifically answered each accusation.[93] Spotswood still held the upper hand in the controversy.

Blair, however, was not an easy man to beat and he decided to take the matter directly into his own hands. The scene of the confrontation with the Governor was Bruton Parish at Williamsburg, the very seat of government. Blair and his supporters persuaded the vestry to present the

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[91] R. A. Brock, ed., The Official Letters of Alexander Spotswood, Lieutenant-Governor of the Colony of Virginia, 1710-1722 (Richmond: Virginia Historical Society, 1885), II, 292-293; the affair is referred to in a letter to the Board of Trade dated August 14, 1718. Brydon, Virginia's Mother Church, I, 348-349.

[92] The journal of the convention is reprinted in Perry, Historical Collections, I, 199-225.

[93] Ibid., 226-233.

Commissary, who had been the incumbent minister for ten years but never inducted, to the Governor for induction. The Governor promptly refused with the result that the confrontation was effected.

Spotswood knew that the Commissary would challenge his right to nominate ministers apart from any action by the vestries. In August, 1718, the Governor in a letter to the Board of Trade asked them to secure the opinion of the crown's attorney general.[94] The following spring he received a reply in which his position was affirmed, that the crown had the right to appoint all ecclesiastical benefices and by specific instruction that authority could be delegated to the Lieutenant Governor.[95] In the meantime, Blair had secured the opinion of legal expert Robert Raymond[96] who believed that the Governor's commission did not give him the authority to fill vacant benefices contrary to the will and rights of the vestry.[97]

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[94] Brock, Letters of Alexander Spotswood, II, 293.

[95] The opinion was prepared by William Thompson, the Solicitor General, and Richard West, a member of the King's Council; Perry, Historical Collections, I, 243-245.

[96] Raymond became a member of the bar in 1694; Solicitor General, 1710; Attorney General, 1714; later, after he had given his opinion on the Governor's right to select ministers, he became Judge of the King's Bench; Chief Justice; and Commissioner of the Great Seal. Editorial note in Brock, Letters of Alexander Spotswood, II, 243.

[97] Perry, Historical Collections, I, 197-198.

In December, 1719, Spotswood presented to the Council the opinion he had received from the attorney general.[98] Blair, no doubt, replied with the views of Raymond. Such hard feelings and harsh words followed that Spotswood later reported that the comments were by common consent deleted from the Journals of the Council.[99]

Both sides agreed to have the case of the Bruton Parish vestry versus the Governor tried before the General Court with an appeal to be made to the crown.[100] The expense of such a procedure would be in excess of the ability of one parish to pay. Therefore, due to the general interest in the case and its significance for the entire colony, the House of Burgesses appropriated sixty pounds to cover the cost.[101]

The case placed Blair in a dilemma. If the vestry won, the decision would not only confirm its right to select its own ministers, but it would also constitute tacit approval of the vestry's practice of employing the minister on a yearly basis only, instead of presenting him for induction. If, on the other hand, the Governor won, the decision would give him autocratic control over the clergy, a propsect feared by the people as well as the Commissary.[102] Spotswood also must have been apprehensive of the outcome of the whole affair. He was fully aware that Blair had been behind the removal of Andros and Nicholson. There can be little doubt that the Commissary would have liked to see a different occupant in the Governor's chair, one more in agreement with his views and willing to be led by his counsel in ecclesiastical matters.[103]

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[98] McIlwaine, Executive Journals of the Council, III, 517.

[99] Spotswood to the Board of Trade, May 20, 1720; Brock, Letters of Alexander Spotswood, II, 335.

[100] Ibid. McIlwaine, Executive Journals of the Council, III, 524-525. Perry, Historical Collections, I, 314-315, 321-322.

[101] Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1712-1726 (Richmond: The Colonial Press, 1912), 301, 307.

No judicial decision was handed down in the case between Bruton Parish vestry and Governor Spotswood. The Governor was removed in 1722 with the result that the case was removed from the docket. The lack of a decision combined with the removal of Spotswood was as much a victory for the vestry as if a decision had been handed down in its favor. The vestries continued selecting their own ministers and retaining them on a yearly basis. Blair continued to encourage Governors to induct men of their own choice when the vestries failed to make a presentation, but the Governors were wary of the situation.[104]

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[102] Dodson, Alexander Spotswood, 201. Morton, Colonial Virginia, II, 469.

[103] Ibid. Dodson, Alexander Spotswood, 201.

[104] Brydon, Virginia's Mother Church, I, 352-353.

The generally accepted theory regarding the removal of Spotswood is that it was engineered by his personal enemies, foremost of whom was Commissary Blair. Although Blair went to England in 1721, the year before the Governor's recall, supposedly on private business, it is highly probable that with his ecclesiastical and political contacts the Commissary worked behind the scenes to facilitate the dismissal of Spotswood. Yet, no records nor any evidence exist as to the precise nature of Blair's activities along this line.[105]

Major Hugh Drysdale replaced Spotswood as the Lieutenant Governor of Virginia. He took the oath of office on September 27, 1722, and served slightly less than four years. During his administration, Drysdale practiced a hands-off policy regarding the induction question. He had, no doubt, learned from the fate which had befallen his predecessors that with Commissary Blair present the issue was best left untouched. Drysdale died in 1726 with the distinction of not having done battle with the aging Commissary.

The last royal Governor under whom Blair served was William Gooch. The Commissary died during the latter portion of the Governor's twenty-one year administration. When Gooch arrived in Virginia in 1727, he too was fully aware of Blair's reputation as a destroyer of Governors and the new chief executive demonstrated good sense in his efforts to work harmoniously with the Commissary even though he was suspicious of him and regarded him as a vile old man. Wisely, the Governor concealed his true feelings toward Blair.[106] Although no open conflict developed between the two, Gooch's letters to Edmund Gibson, the Bishop of London, reveal that the Governor and the Commissary were not on good terms.[107]

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[105] Mohler, "Commissary James Blair," 334-337. Dodson, Alexander Spotswood, 272-275. For detailed accounts of the Blair-Spotswood controversy see ibid., 189-201. Morton, Colonial Virginia, II, 465-471. Brydon, Virginia's Mother Church, I, 344-360. Mohler devoted considerable space to the Commissary's battles with Andros, Nicholson, and Spotswood, see "Commissary James Blair," 232-337.

The climax of Blair's political career came in 1740 when he became acting Lieutenant Governor for a ten-month period. Although his political activity had been more intense at other times, his actual political power and authority were the greatest when he assumed the office of Lieutenant Governor upon the temporary absence of Gooch from the colony.[108]

The eldest member of the Council served as its president and in the event of the Governor's absence assumed control of the government. This procedure was in accordance with long-standing instructions from the crown.

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[106] Morton, Colonial Virginia, II, 501. Brydon, Virginia's Mother Church, II, 55. Mohler, "Commissary James Blair," 339-340.

[107] George MacLaren Brydon, ed., "The Virginia Clergy: Governor Gooch's Letters to the Bishop of London, 1727-1749," Virginia Magazine of History and Biography, XXXII (1924), 214.

[108] Blair's term as acting Lieutenant Governor extended from September, 1740 to July, 1741.

By virtue of his longevity, Blair had risen to the position of president of the Council. He anticipated the possibility of becoming acting Governor in a letter to the Bishop of London in 1732. He mentioned that upon the death of Robert Carter he had become the senior member of the Council, and if something should happen to the Governor, he would become acting Governor. Blair went on to explain that William Byrd, the next senior member of the Council, desired the office of president for himself and objected to Blair holding that position on the grounds that he was a clergyman. The Commissary declared that he did not desire the Governorship for himself, but if it should happen then he believed that he should assume the office in accordance with the King's instructions and because such a procedure had been quite successful in the past.[109]

Eight years later the possibility became a reality. Gooch left the colony to participate in an expedition against the Spanish at Cartagena. During his absence Blair assumed the reins of the government. He wrote to the Bishop of London reaffirming his belief that he was entitled to the office, but yielded his claim to a decision by London.[110] London was apparently unconcerned or else too slow to act because the following year Blair wrote to the Bishop again reporting that he had served as acting Governor for ten months.[111]

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[109] Blair to the Bishop of London, August 14, 1732; Fulham Papers. Volume XII, "Virginia, 1724-1743."

Blair's brief administration was, for the most part, uneventful. No sessions of the General Assembly were held during the period. Byrd reported that the country was a little dissatisfied with being governed by a clergyman. The aged Commissary, then eighty-nine, was infirm but still possessed good understanding. Yet he was so deaf that he was incapable of performing his duty as chief justice of the supreme court, a task performed in his stead by Byrd.[112]

Two years later, on April 18, 1743, Blair died. Gooch well described the tenacity which had so characterized the Commissary's life when he reported that "such was his Constitution that he struggled with the Conqueror ten days, after the Doctor had declared he could not live ten hours."[113]

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[110] Blair to the Bishop of London, October 11, 1740, ibid.

[111] Blair to the Bishop of London, September 17, 1741, ibid.

[112] William Byrd to Major Otway, February, 1740 (the date probably should be 1741). "Letters of the Byrd Family," Virginia Magazine of History and Biography, XXXVII (1929), 29-30.

[113] Gooch to the Bishop of London, May 10, 1743; Perry, Historical Collections, I, 367.

Before evaluating the political role of the Commissary mention must be made of the fact that Blair and his associates, most of whom were clergymen, on the faculty of the College of William and Mary were able to exercise limited political activity in the House of Burgesses by virtue of their right under the stipulations of the charter of the college to elect a burgess. During the early years of the college no burgess was elected. In 1715, Peter Beverley was sent to the House as the representative from the college, but the Assembly judged that he was not entitled to a seat on the grounds that the college did not have a sufficient number of masters and being still under the control of the trustees was not entitled to representation.[114] Later Assemblies did not reach the same conclusion and the college received representation.[115] After control of the college was transferred to the president and the masters in 1729 there was no question as to its right of representation.[116] It seems highly unlikely that Blair and the clerical members of the faculty were able to do much in the House of Burgesses through a single representative. For example, in 1718 John Custis was the single representative from the college in an Assembly numbering fifty-two members.

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[114] Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1712-1726 (Richmond: The Colonial Press, 1912), viii, xxix, 127, 134, 138.

[115] Ibid., ix, x, 178, 180-181, 257.

[116] According to the charter the college was to be controlled by a board of visitors until it grew in size to six faculty members and one hundred students, at which time the control would be transferred to the president and the faculty. This stage was reached in 1729. At this time the faculty consisted of four clerical and three non-clerical members. Brydon, Virginia's Mother Church, II, 37, 61-62.

The most detailed work on Commissary Blair is an unpublished doctoral dissertation by Samuel R. Mohler. He observed three distinct periods or phases in Blair's work. The Commissary's first ten years in office constitute the first phase. During this period Blair accomplished his most constructive work. He fought for increases in clerical salaries, attempted to institute clerical reforms, and was instrumental in the founding of the College of William and Mary. Throughout this initial phase Blair enjoyed the general support of the clergy. The second phase began about 1700 with the rise of the quarrel with Nicholson who happened to be a good friend of the church. From that time until after the departure of Spotswood, some twenty years later, Blair was more concerned with politics than with the affairs of the church. During this period he lost the support of the clergy. The third and final phase of Blair's career extended from 1722 until the Commissary's death in 1743. During this period the aging churchman grew increasingly unconcerned with politics and did not pay much attention to the tasks of supervising and reforming the church.[117]

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[117] Mohler, "Commissary James Blair," 133-134.

According to Mohler, Blair considered his political career more important than his ministry, his commissaryship, and even the presidency of the college. Presumably Blair's appointment to the Council was designed to enable him to more effectively further the cause of religion and education in the colony, but it also gave him an opportunity to meddle in politics and become involved in issues quite unrelated to the church which made him more of a liability than an asset. Andros, Nicholson, Spotswood, and Gooch provided Virginia with a remarkable succession of honest, capable and efficient Governors. Blair came into conflict with them all and managed to play a very significant role in the removal of the first three. Such action by the implacable Commissary bore little good for religion, education or politics in the Old Dominion.[118] To be sure the Commissary made some significant contributions during the early years of his administration, but these were overshadowed by later indiscretion and ineptitude.

> Indeed, he who seeks in the political career of this churchman and educator lofty principles or exalted ideals of government is destined to disappointment. He appears in the public records of his day more as the opportunist than the idealist, more as the practical politician than as the statesman. After a reading of the interminable memorials, affidavits, depositions, and letters from his hand one is left with the distinct impression that James Blair was a man who enjoyed the role of controversialist whatever the issues at stake. One might conclude too, that he had an irresistible

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[118] Ibid., 343-344.

> itch for political power, and this rather than political principles *per se* largely determined the course of his career in politics.[119]

Brydon concluded that Blair's most significant contribution to the life of Virginia was his service as founder, promoter, and president of the College of William and Mary. But as Commissary he was considerably less successful. Greater gains could have been made if his temperament and leadership had been of a different nature. Blair was fearless and aggressive, but he only knew how to fight.[120]

The real opportunity to reform the church came during the last twenty years of the Commissary's life when the Bishop of London, Edmund Gibson, was given greater authority over the clergy in Virginia. Gibson, who served as Bishop from 1723 to 1748, recognized the tenuity of his authority over the colonial church. He petitioned the crown for a commission that would specifically state the limits of the Bishop's authority in the colonies. The commission was granted in 1728 and placed under Gibson's jurisdiction most matters pertaining to the church, the clergy, and the conduct of worship. The Bishop was given the authority of visitation of all churches employing the liturgy of the Church of England; clerical discipline also fell under his jurisdiction and he could punish, suspend, and excommunicate clergymen for misconduct, but provision was made for the right to appeal to the Privy Council by any person who felt himself wronged by a decision of the local ecclesiastical courts of the Commissaries. Furthermore, the Bishop had the right to appoint and dismiss the Commissaries.[121] Naturally, this increased authority would have been exercised through the office of the Commissary. Thus Blair was provided with a true opportunity for leadership and reform but did not know how to use it.[122]

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[119] *Ibid*.

[120] Brydon, *Virginia's Mother Church*, I, 320-321; II, 56-57.

In terms of clerical participation in politics, Blair was unexcelled. No clergyman before or after him possessed so much political influence and power nor engaged so actively in the political life of the colony. But the Commissary was just one man; on the whole, the clergy in Virginia still did not engage to any significant degree in the political affairs of the colony. Blair's political activity did, however, set the stage for increased participation by the clergy in the years following.

The real significance of Blair's political career, a major portion of which had been spent in conflict with the various Governors, lay in the fact that it reflected the transition then taking place in Virginia. By the time of its first centennial, the colony's political and ecclesiastical institutions were well developed and geared to function in the colonial environment. Such institutions as the House of Burgesses and the vestry system placed considerable legislative and religious power in the hands of the people with the result that Virginians had become largely self-governing in both spheres. Many members of the House of Burgesses were also vestrymen and thereby simultaneously influenced the course of events in both church and state. The Governor and the Commissary represented the crown in these areas. Thus during Blair's administration the various controversies found the Governor, the Commissary, the Council, the House, the clergy, and the vestries aligning themselves with and alienating themselves from one another depending upon how the issues affected their individual interests. A struggle for power ensued as Virginians sought to improve their opportunities for self-government and self-determination.

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[121] Although the Bishop of London had exercised ecclesiastical authority over the colonies since 1675, it had been vague and unofficial. The commission of 1728 removed these hindrances. Cross, The Anglican Episcopate, 55-58; the commission is reprinted on pp. 289-293.

[122] Brydon, Virginia's Mother Church, II, 56-57.

CHAPTER IV

FROM THE DEATH OF BLAIR TO THE PARSON'S CAUSE

The decade following the death of Commissary Blair in 1743 was a period of transition for the Anglican Church in Virginia. Edmund Gibson, Bishop of London, died in 1748 and with his demise came the expiration of the commission issued to him twenty years earlier. These deaths combined with the retirement of Lieutenant Governor Gooch in 1749 removed from the colonial church the three individuals that had been most influential in its life. Midway through this crucial decade the General Assembly contributed to the transition through the passage of an extremely important act providing better support for the clergy.

The Reverend William Dawson, professor of moral philosophy at William and Mary, was elected to the presidency of the college by the Board of Visitors immediately following Blair's death. He also succeeded Blair as Commissary, having been recommended by Governor Gooch,[1] and two years later he was appointed to the Governor's Council.[2] As a councilman, Dawson served as an advisor to the Governor, was a member of the upper legislative body of the colony, and sat as a judge on the highest court. His political power and influence were increased, as Blair's had been, by marriage into one of Virginia's leading families. His wife was Mary Stith, a sister of the clergyman and historian William Stith, and a granddaughter of William Randolph of Turkey Island.

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[1] Dawson's commission appears in the Fulham Papers. Volume XII, "Virginia, 1724-1743." It was dated July 18, 1743. Gooch to the Bishop of London, May 10, 1743; Perry, Historical Collections, I, 367.

[2] McIlwaine, Executive Journals of the Council, V, 187; session of October 15, 1745.

Throughout his eight-year term as Commissary, William Dawson was primarily concerned with the condition of the church in Virginia. He was especially cognizant of the growing influence of Presbyterianism in eastern Virginia and disapproved of the action taken by the General Assembly in rejecting a petition from Augusta Parish which had called for the expulsion of dissenters who were serving as vestrymen in that parish.[3] The new Commissary was also quite alarmed over the increasing deviation from the customs and laws of the Church of England by Virginia Anglicans. Accordingly, he opposed the clerical support law of 1748 regarding it as a serious infraction of the laws and customs of the mother church.[4]

The 1748 law provided for a slight increase in the salary of the clergy, declared that the minister's glebe should consist of at least two hundred acres of land plus the necessary farm buildings, and required the minister to pay for the upkeep of the glebe property. The new law also ordered that vestries must present ministers for induction within twelve months of the vacancy or else the right of advowson would pass to the Governor who, of course, could then select and induct the ministers of his choice.[5]

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[3] Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1742-1749 (Richmond: The Colonial Press, 1909), 310.

[4] Dawson to the Bishop of London, July 15 and August 16, 1751; Perry, Historical Collections, I, 377-381. Brydon, Virginia's Mother Church, II, 259-261.

An incident which occurred midway through Dawson's administration reflected the relationship which had developed between the church, the House of Burgesses, the Governor, and the Council. The vestry of St. George's Parish in Spotsylvania County decided to erect a chapel of ease[6] in the western portion of the county and appointed a committee to select the site. The committee, in turn, announced a public meeting in order to give the parishioners an opportunity to advise the committee regarding the location. On the day designated for the meeting inclement weather caused meagre attendance. Without making provision for a future public meeting, the committee proceeded on its own to select a site which the vestry approved with construction beginning soon thereafter.

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[5] Hening, Statutes at Large, VI, 88-90.

[6] Many Virginia parishes were very large making it virtually impossible for a single clergyman to minister to all inhabitants. Great distances also made it extremely difficult for parishioners to travel to the parish church. To alleviate this situation, "chapels of ease" were constructed in remote districts in which services were frequently conducted by lay readers.

Some of the parishioners resented this action by the vestry and lodged a complaint with the Governor and Council. On November 8, 1748, the Council ordered the construction to cease pending further investigation.[7] Five months later the parishioners appealed to the House of Burgesses.[8] The House responded in a two-fold manner. Of foremost significance was its first resolution which stated that "the Governor and Council have no Power by Law to supersede any Orders of Vestry, for or relating to the placing and building of Churches or Chapels."[9] The following month the House declared illegal the act of the vestry which delegated to a committee the selection of a site for a chapel. Such a duty must be performed by the whole vestry.[10] Although the Council and the House were in accord regarding the disposition of the case, the important matter was the attitude of the House toward the Governor and Council regarding the local affairs of the church. In effect, the Burgesses had politely informed the Governor and Council to keep hands off local ecclesiastical affairs.[11]

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[7] McIlwaine, Executive Journals of the Council, V, 263-264.

[8] McIlwaine, Journals of the House of Burgesses, 1742-1749, 332.

[9] Ibid., 341.

[10] Ibid., 369.

Also occurring during the administration of Commissary Dawson was the case of the Reverend William Kay. The scene was Lunenburg Parish in Richmond County where the Reverend David Morthland had been the minister for about ten years. Around 1744 he returned to England in expectation of receiving a charge there. To replace Morthland the Governor and the Commissary recommended to the vestry the Reverend William Kay, a recent arrival in Virginia. Following the recommendation, the vestry elected him on the customary trial basis which meant that he was not inducted. Unfortunately, Kay for some obscure reason found himself offensive to the wealthy, powerful, and leading member of the vestry, Colonel Landon Carter of Sabine Hall. Kay reported that he could not please nor oblige the Colonel and described him as "very proud, haughty, imperious and fickle." In response to a sermon denouncing pride, Carter believing that the sermon was directed especially toward him vowed revenge if ever he could win the support of the majority of the vestry. He soon managed to win six vestrymen to his side and by a bare majority the vestry passed an order to discharge Kay and lock the church.[12] In the meantime Morthland had been disappointed in his desire to obtain a position in England and returned to Virginia hoping to regain his former position as rector of Lunenburg Parish. The parishioners divided into two camps, those who supported Kay and those who desired to see their former pastor restored to his position. Morthland's return furthered the vestry's determination to oust Kay. The supporters of Kay managed to keep one of the two parish churches open, but the other one remained locked and the minister conducted services in the churchyard for two and a half years. The seven members of the vestry who opposed Kay leased the glebe to three unworthy individuals who abused and killed his cattle and drove the rest into the wilderness. Upon the advice of Governor Gooch and Commissary Dawson, Kay brought suit against the vestry and the above mentioned individuals in the General Court. The Court awarded Kay thirty pounds sterling for damages, but the point was raised whether a minister not inducted by the Governor had the right to sue the vestry for trespassing upon his glebe and recover damages. The Court again decided in Kay's favor. Although Virginia law specifically stated that no appeals to the Privy Council could be made in cases involving less than three hundred pounds, the powerful and vindictive Landon Carter successfully petitioned the crown for an appeal.[13]

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[11] Brydon, Virginia's Mother Church, II, 262-263; Morton, Colonial Virginia, II, 758-759.

[12] William Kay to the Bishop of London, June 14, 1752; Perry, Historical Collections, I, 389-393.

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[13] Ibid.

On May 16, 1753, John Thorpe, one of Kay's lawyers reported that the Privy Council decided Kay's case entirely in his favor.[14] Later, Kay sued the vestry for two and a half years' back salary and was awarded two hundred pounds sterling by the General Court in Virginia.[15] While the appeals and suits were taking place, Kay resigned from Lunenburg Parish and continued his ministry in a new location; Morthland became the rector of a parish adjoining Lunenburg. The Clergy Act of 1748 combined with the outcome of the Kay affair greatly strengthened the position of the clergy in Virginia.[16]

When Robert Dinwiddie became Lieutenant Governor, late in 1751, a new issue involving the clergy soon arose. Upon his arrival he found over seventeen hundred applications for land, known as land patents, and about one thousand surveyors' certificates upon which patents were to be issued. Nearly a million acres in sparsely settled regions to the west were involved. Dinwiddie decided to impose a fee of one pistole, which was a coin then in circulation worth about three dollars and fifty cents, for his signature on all land patents over one hundred acres. Inasmuch as the imposition of a fee for the Governor's signature upon land patents was in common practice in other American colonies, Dinwiddie believed he was entitled to the fee. The Council agreed that the fee was reasonable and recommended that it be set at one pistole.[17] The real reason for the fee depended upon who was asked, Dinwiddie or his opponents. The Governor claimed he imposed the fee in order to protect the crown's quitrents which were in arrears in the western regions and to raise revenue. His opponents charged that he was merely interested in personal gain.[18]

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[14] John Thorpe to the Bishop of London, May 16, 1753; ibid., 403.

[15] Thomas Dawson to the Bishop of London, March 11, 1754; ibid., 410.

[16] Accounts of the Kay affair appear in Morton, Colonial Virginia, II, 759-761; and Brydon, Virginia's Mother Church, II, 263-265.

Governor Dinwiddie believed that the people of Virginia were content with the situation until the Reverend William Stith, backed by the powerful Randolph family along with a few others, stirred up the House of Burgesses against him.[19] The Governor reported to the Bishop of London that Stith was attempting to form the lower classes into a party in opposition to the Governor and Stith himself confessed that he was among the first to express opposition to the pistole fee.[20]

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[17] McIlwaine, Executive Journals of the Council, V, 385; session for April 22, 1752.

[18] Louis Knott Koontz, Robert Dinwiddie, His Career in American Colonial Government and Westward Expansion (Glendale: Arthur H. Clark Company, 1941), 201-235. Glen Curtis Smith, "The Affair of the Pistole Fee, Virginia, 1752-55," Virginia Magazine of History and Biography, XLVIII (1940), 209-221. Morton, Colonial Virginia, II, 621-634.

[19] R. A. Brock, The Official Records of Robert Dinwiddie, Lieutenant-Governor of the Colony of Virginia, 1751-1758 (Richmond: Virginia Historical Society, 1883), I, 153-164.

Just as the pistole fee controversy was beginning to develop, Commissary William Dawson died on July 20, 1752. His death complicated affairs for the new Governor and involved him in still another controversy. For over fifty years the offices of Commissary, Councilor, and president of the College of William and Mary had been held simultaneously by the same individual as had been the case with James Blair and William Dawson. Within a month after the death of Dawson, the Board of Visitors of the college met to elect a new president. The leading contenders for the position were the Commissary's brother, Thomas Dawson, and his brother-in-law, William Stith. Although Dinwiddie opposed Stith's candidacy, the latter managed to be elected to the office by a single vote.[21]

If precedent were followed, Stith would also become the Commissary and a Councilor, but this prospect was not to the liking of the Governor because of Stith's opposition to him. Dinwiddie apparently anticipated the possibility of Stith's election to the presidency of the college and of the likelihood that the Reverend would claim and expect to receive the other two offices of Commissary and Councilor. Such anticipation had caused Dinwiddie and John Blair, a leading councilman and a nephew of former Commissary James Blair, to write to the Bishop of London very soon after Dawson's death recommending that Thomas Dawson succeed his brother as Commissary.[22]

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[20] Dinwiddie to the Bishop of London, August 15, 1752; Fulham Papers. Volume XIII, "Virginia, 1744-1760." Stith to the Bishop of London, April 21, 1753; ibid.

[21] Dinwiddie to the Bishop of London, August 15, 1752; ibid.

As expected, Stith, after his election to the presidency of the college, wrote to the Bishop of London reminding him that the offices of college president and Commissary went together and on that ground he sought the latter office.[23] His appeal, however, was to no avail, the Bishop appointed Dawson Commissary.[24] With the position of Councilor still unfilled, Dinwiddie asked that Dawson also be appointed to that position[25] and again he was obliged.[26]

The result of the distribution of these appointments was intense hostility between the president of the college and the Lieutenant Governor and the atmosphere was cleared only by the death of Stith in 1755. Soon thereafter the Board of Visitors elected Commissary Thomas Dawson to the presidency of the college.

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[22] John Blair to the Bishop of London, July 25, 1752; Dinwiddie to the Bishop of London, July 27, 1752; ibid.

[23] Stith to the Bishop of London, August 15, 1752, and September 1, 1752; ibid.

[24] McIlwaine, Executive Journals of the Council, V, 416.

[25] Dinwiddie to the Bishop of London, December 10, 1752; Perry, Historical Collections, I, 399-400.

[26] McIlwaine, Executive Journals of the Council, V, 423.

The administration of Thomas Dawson marked the beginning of the decline of the power of the Commissary. The division of the three offices between Dawson and Stith accounts for some of this loss of power, but even when Dawson received the presidency of the college the loss was not restored. A more important factor which sapped the Commissaryship of its power was the refusal of Thomas Sherlock, the Bishop of London, to grant to Dawson the same ecclesiastical authority which had been held by Commissaries Blair and William Dawson. The apparent reason for withholding this ecclesiastical authority was the new policy inaugurated by Sherlock. The Bishop refused to petition the crown for a renewal of the Gibson commission. He regarded the powers granted under that commission as vague and inadequate and believed that by withholding episcopal authority from his Commissaries it would force the colonies to demand an episcopate of their own.[27]

Dawson was fully aware of this loss of power and complained to the Bishop that without it he could not exercise ecclesiastical jurisdiction or even call a meeting of the clergy.[28] He did not receive the desired authority but, nevertheless, called a convention of the clergy which convened at the College of William and Mary on October 30, 1754. Among the actions taken by the convention was a complaint against a decision rendered by the Council two years earlier. On November 2, 1752, the Council had taken under consideration the commission for the Reverend John Moncure who had been appointed Justice of the Peace for Stafford County. The Council expressed the opinion that clergymen had enough to do without engaging in civil affairs and it thereby ordered that a new commission be issued for Stafford County excluding Moncure.[29] The complaint of the clergymen in convention took the form of a petition to the Governor which stated,

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[27] Cross, The Anglican Episcopate, 58-59, 113, 131-132.

> Whereas we are credibly informed that there is an order of Council on record that no clergyman of this Colony should be admitted into the Commission of the Peace & as we are humbly of opinion, this order reflects upon our body & has been so construed by many of the Laity & will really bear that construction, we therefore humbly hope that your honor will, in justice to our character be prevailed upon to use your interest with his Majesty's Council to have the said order reversed, that the Clergy may in this respect, be upon equal footing with other his Majesty's subjects.[30]

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[28] Dawson to the Bishop of London, March 11, 1754; Perry, Historical Collections, I, 410.

[29] McIlwaine, Executive Journals of the Council, V, 409.

[30] "A Journal of the Proceedings of the Convention held at the College of Wm & Mary, Oct, 30, 1754," entry for Friday, November 1, 1754; Perry, Historical Collections, I, 424.

Apparently the move to enlist the Governor's help was successful because at least twelve clergymen served as justices of the peace in various counties during the period from 1755 to 1776.[31]

The case of John Brunskill, Jr. provides an example of the decline of the power of the Commissary under Thomas Dawson. It also demonstrates the confusion then existing in Virginia over the nature and extent of the authority of the colonial government in ecclesiastical affairs. Brunskill was the rector of Hamilton Parish in Prince William County. In the spring of 1757, the vestry and many of the parishioners complained to Governor Dinwiddie that Brunskill was guilty of "monstrous immoralities, profane swearing, drunkenness and very immodest actions."[32] The Governor referred the matter to Dawson who informed him that as a Commissary without a specific commission from the Bishop of London, he had no authority to act. Furthermore, Dawson insisted that the General Court had no authority either because under English law a civil court could not remove a clergyman from his parish.[33]

The Governor and the Council, with the exception of the Commissary, agreed that the plaintiffs and the defendant should appear before them. The concerned parties were ordered to appear before the Council on May 19. The meeting was held as scheduled and the Council ruled that the evidence presented substantiated the charges of gross misconduct on the part of Brunskill and that he ought to be disqualified from exercising the office of a clergyman. But the Council refrained from making any recommendations to the Governor regarding the disposition of Brunskill until they had been informed by the Governor of the nature of his instructions from the crown regarding such cases. The next day the Governor read to the Council the following extract from his instructions: "If any Parson already preferr'd to any Benefice shall appear to you to give Scandal, either by his doctrine or manners, you are to use the best method for the removal of him." In light of the fact that the Commissary had received no specific power from the Bishop of London to act in such cases, the Council expressed the opinion that the Governor's instructions empowered him to remove Brunskill from his parish and recommended that the erring clergyman be so removed and that he be barred from any future ministry in the colony.[34] The Governor followed the recommendations of the Council and informed the vestry of

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[31] Brydon, _Virginia's_ _Mother_ _Church_, II, 285.

[32] Dinwiddie to the Bishop of London, September 12, 1757; Perry, _Historical_ _Collections_, I, 454.

[33] _Ibid_., 454-455. Dawson to the Bishop of London, July 9, 1757; _ibid_., 451-453.

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[34] Minutes of the Council meetings of April 21, May 19, 20, 1757; ibid., 449-450. Dinwiddie to the Bishop of London, September 12, 1757; ibid., 454-455.

Hamilton Parish of his actions.[35]

Some resentment developed among the clergy as a result of the Governor's decision. It was led by two faculty members of the College of William and Mary, John Camm and William Robinson. Both men were also parish ministers and openly flouted the Governor's orders by extending to Brunskill invitations to preach in their parishes which he apparently accepted.[36] Brunskill further defied Dinwiddie by openly announcing that he was still the lawful minister of Hamilton Parish and planned to continue officiating. He regarded the Governor's actions as being illegal and cited canon law to support his contention.[37] There is no evidence that this defiance was carried any further than words. Soon thereafter, Brunskill disappeared from the Virginia scene.

The clergymen who took issue with the Governor's actions were of the opinion that he had exceeded his authority not only in removing Brunskill from his parish, but especially in deposing him from the ministry. Such actions were not permissible under English law. These dissenting clergymen asked Commissary Dawson to call a convention of the colonial clergy for the purpose of drawing up a petition to the Bishop of London with the hope that he, in turn, might lodge a protest with the King and Privy Council. The Commissary refused to issue the call for several reasons: a war was going on with an imminent threat of hostile action by a barbarous enemy, the Commissary also feared that a convention might stir up violent animosity. Furthermore, Dawson questioned his authority to issue such a call, and finally he indicated that the summer heat and the distance some must travel would cause great discomfort.[38]

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[35] Governor Dinwiddie to the Vestry of Hamilton Parish, May 20, 1757; *ibid*., 451.

[36] Brydon, *Virginia's Mother Church*, II, 280-281, 286-287.

[37] Dawson to the Bishop of London, July 9, 1757; Perry, *Historical Collections*, I, 453.

Acting on their own, eleven clergymen placed an advertisement in the Virginia Gazette announcing that a convention would be held on August 31, 1757. At the appointed time only nine ministers attended, four of whom were members of the faculty of the college. With over seventy clergymen present in the colony, those in attendance at the convention represented an extremely small minority. Consequently the attempt to solidify clerical opposition to the Governor failed. The refusal of the large majority of the clergy to attend the convention clearly indicated that there was not widespread dissatisfaction among them over the Governor's actions. Apparently most Virginia Anglican clergymen felt that Brunskill had been justly treated in the light of his gross immorality.[39]

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[38] Ibid., 452. Dinwiddie to the Bishop of London, September 12, 1757; ibid., 456-457.

The affair demonstrated the need for the Commissary to possess sufficient authority to handle such cases. Dawson reminded the Bishop of London of this and informed him that the Governor and Council had not been desirous of exercising such power and would have preferred that the Commissary dispose of the case providing he had possessed the requisite authority.[40] Governor Dinwiddie also expressed a similar sentiment.[41]

The most frustrating events to occur during Commissary Thomas Dawson's administration were those which developed into the well-known Parson's Cause. The outbreak of the French and Indian War created a desperate financial crisis in Virginia which was further aggravated, in 1755, by the prospect of a poor tobacco crop. In an attempt to alleviate the situation the General Assembly passed a law which allowed the payment of tobacco debts by money at the rate of sixteen shillings and eight pence per hundred pounds of tobacco, a rate which was equivalent to two pence per pound.

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[39] Ibid., 455-457. Morton, Colonial Virginia, II, 763-765. Brydon, Virginia's Mother Church, II, 278-282.

[40] Dawson to the Bishop of London, July 9, 1757; Perry, Historical Collections, I, 452-453.

[41] Dinwiddie to the Bishop of London, September 12, 1757; ibid., 455.

This act and a later one similar to it became known as the two-penny acts. The act of 1755 was to be in effect for ten months only.[42]

Inasmuch as the clergy were among those in the colony paid in tobacco, the act represented a substantial cut in their salaries because two pence per pound was well below the normal price for tobacco. Yet the clergy, for the most part, did not oppose the new law. There was some opposition, however, from a small clique of ministers which surrounded a nucleus of leaders composed of faculty members of the College of William and Mary. This clique vigorously opposed the practices and customs of the church in Virginia so far as they deviated from those of the Church of England. This college clique, led by John Camm, William Preston, Thomas Robinson, and Richard Graham, urged the Governor to veto the law. Failing in this they turned to Commissary Dawson and requested that he call a convention of the clergy, but the Commissary refused, preferring instead to make a private report.[43]

Having also failed with the Commissary, the opposing clergymen drafted a letter to the Bishop of London stating their opposition to the two-penny act claiming that it was

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[42] Hening, Statutes at Large, VI, 568-569.

[43] Dawson to the Bishop of London, February 25, 1756; Perry, Historical Collections, I, 446-448.

"too glaringly inconsistent with natural equity, the Rights of the Clergy, the common Liberty of the subject & his Royal Majesty's Prerogative, to be spoken of with out detestation."[44] The clergymen requested the Bishop to intercede with the King on their behalf.[45] Several months later an additional protest was sent to the Bishop.[46] The first letter had been signed by eight clergymen and the second by ten. One individual signed both letters, thus the number of signers was seventeen. With approximately seventy clergymen present in Virginia,[47] seventeen represented a small minority of ministers who were willing to voice open protest against the two-penny act. The situation eased due to a better tobacco crop than had been expected. This resulted in a lower price for tobacco, and the closer the price of tobacco was to the two pence per pound rate set by the General Assembly, the less was the consequent reduction in clerical salaries. Although the reduction in clerical salaries was not as great as had been feared, the seeds of discontent had been sown and the repercussions were yet to be felt.

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[44] Letter to the Bishop of London, November 29, 1755; ibid., 434.

[45] Ibid., 439.

[46] Letter to the Bishop of London, February 25, 1756; ibid., 440-446.

[47] "A List of all the Counties, Parishes, and present Ministers of Virginia, June 10, 1755; ibid., 429-431.

In their letters of protest the clergymen had insulted the General Assembly and had ascribed to it less than worthy motives for passing the act. Many of the members of the Board of Visitors of the college were also prominent members of the General Assembly. Having been affronted as legislators, they used their positions as members of the Board of Visitors to repudiate the clergymen in the college with the result that their critics, the Reverends Camm, Preston, Robinson and Graham, were removed from the faculty.[48] They appealed to the Privy Council which in 1763 reversed the decision of the Board and reinstated Camm and Graham.[49] In the meantime, Robinson had died and Preston had returned to England. The Board of Visitors responded by passing a statute authorizing themselves to dismiss faculty members and even the president. The faculty regarded this as an attempt by the Visitors to alter the charter of the college and proposed to challenge the statute in England, but William Yates, the president of the college, disagreed and thus the move was frustrated.[50]

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[48] "Documents Relating to the Early History of the College of William and Mary and to the History of the Church in Virginia," William and Mary College Quarterly, second series, XX (1940), 537-544.

[49] William Robinson to the Bishop of London, August 12, 1765; Perry, Historical Collections, I, 518.

[50] Ibid.

Ill feelings resulting from the first two-penny act and subsequent events were still present when the General Assembly passed the second such act in 1758. The passage of this second act was prompted by essentially the same reasons as the first. The two acts were identical with the exception that the first had been ten months in duration whereas the second was to run for twelve months.[51] This time clerical opposition was much greater than had been the case with the first act.

The old college clique again led the opposition with the key figure being the Reverend John Camm although at the time he was not a member of the faculty. The purge of the faculty failed to accomplish what the Board of Visitors had desired. An impassioned reaction to the second two-penny act came from one of the new faculty members, the Reverend Jacob Rowe. The House of Burgesses learned that Rowe had publicly said,

> How many of the House of Burgesses were to be hanged? That every Member who should vote for settling the Parson's Salaries in Money, would be Scoundrels, and that if any Member wanting to receive the Sacraments, was to apply to him, he would refuse to administer it.[52]

The House regarded the statement as "scandalous and malicious, highly reflecting on the Honor and Dignity of the

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[51] Hening, Statutes at Large, VII, 240-241.

[52] Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1758-1761 (Richmond: The Colonial Press, 1908), 16. Session of September 22, 1758.

House of Burgesses."[53] The Assemblymen found Rowe "guilty of an open Violation and Breach of the Privileges of this House," whereupon they ordered that Rowe be summoned in the custody of the Sergeant of Arms.[54] The following day a petition from Rowe was presented to the House in which he apologized profusely for his indiscretion. The House accepted his apology and ordered that he be "discharged out of Custody paying Fees."[55]

The clerical opponents of the second two-penny act made futile attempts to express their views on the act before both houses of the Assembly. They also tried to persuade the new Lieutenant Governor, Francis Fauquier, to veto the bill claiming that it was "contrary to reason and justice, and to his Honour's instructions in as much as it contradicted an Act which had received the Royal Assent and contained no suspending clause."[56] When this effort failed the opposing clergymen again turned to Commissary Dawson requesting that he call a clerical convention. When Dawson refused, the leaders of the opposition called a convention under their own names. Thirty-five clergymen attended and all but one voted to send John Camm to England to present the clergy's complaint against the act.[57] The convention then drew up a petition to be submitted by Camm to the King.[58] In England, Camm won the sympathetic ear of the Archbishop of Canterbury through whose influence the petition was presented to the King. The King referred the matter to the Lords Commissioners of Trade and Plantations. The Commissioners sought the opinion of the Bishop of London who expressed his disapproval of the act.[59] They, in turn, recommended to the crown that the act be disallowed.[60] The matter then received a full hearing before the Privy Council at which time the two-penny acts were disallowed. In addition, the King warned the Governor to obey article sixteen of his instructions which stated that the Governor was not to give his assent to an act that was to be in effect for less than two years, nor was he to assent to the repeal of any law unless a suspending clause was inserted.[61]

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[53] Ibid.

[54] Ibid.

[55] Ibid., 17-18

[56] Commissary William Robinson to the Bishop of London, August 17, 1764; Perry, Historical Collections, I, 490. The "Act which had received the Royal Assent" referred to the clergy act of 1748.

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[57] Ibid., 466, 490.

[58] A Petition of the Clergy of Virginia to the King, signed by John Camm as agent of the Convention. Fulham Papers. Volume XIII, "Virginia, 1744-1760."

[59] Letter of the Bishop of London to the Lords Commissioners, June 14, 1759; Perry, Historical Collections, I, 461-463.

[60] Report of the Lords Commissioners, July 4, 1759; ibid., 458-460.

The disallowance of the acts and the rebuke from the King were conveyed to Governor Fauquier by way of John Camm. Commissary William Robinson who was present when Camm delivered them to the Governor reported that "his Honour flew into a very indecent & violent passion, and suffered himself to be transported by it beyond measure."[62] The Governor was greatly offended by the actions of the protesting clergy and regarded them as unwarranted meddling in politics. Upon one occasion he told several clergymen that they were "well enough in their own sphere but when they turned politicians they were arrant fools."[63]

The repercussions from the affair were varied, far-reaching, and severe. The Governor and the General Assembly regarded the act as a just and necessary expedient in a time of crisis. With Camm in England to present the clergy's side of the matter, the General Assembly saw the need of a representative in the mother country to present its point of view. Early in 1759 the Assembly passed an act which provided for the appointment of an agent to reside in

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[61] Fulham Papers. Volume XIII, "Virginia, 1744-1760." The disallowance was issued from the Court at Kensington on August 10, 1759. The instructions to Fauquier were dated September 21, 1759.

[62] Robinson to the Bishop of London, August 17, 1764; Perry, Historical Collections, I, 491.

[63] Ibid.

England for the purpose of handling the affairs of the colonial government. The agent was at all times to be under the direction of a committee of correspondence which would transmit to him such matters as were referred to them by the General Assembly. The agent was required to make his reports to the committee which would periodically submit them to the General Assembly. The committee had the authority to remove the agent and select his successor.[64] The idea of placing an agent in London, Fauquier explained, originated during the pistole fee controversy at which time the Burgesses lamented not having a representative in England to present their side of the case.[65] When the question of the two-penny acts was placed before the Lords Commissioners of Trade and Plantations on June 27, 1759, the agent for Virginia, James Abercrombie, presented the position of the colonial government.[66]

The disallowance of the two-penny acts touched off a series of court cases in which a number of clergymen sued for back wages.[67] The most famous was that instituted by the Reverend James Maury on April 1, 1762, in the Hanover County Court. This was the only case in which the Court declared the Act of 1758 invalid. A jury trial was ordered to determine the amount of damages to be awarded to Maury. At this point, John Lewis, the counsel for the defense regarded the case lost and retired from it. He was replaced by a relatively unknown twenty-seven year old lawyer, Patrick Henry. The trial provided an occasion for Henry to deliver an incendiary speech against the crown. First, he charged that the task of clergymen should be to promote civil obedience, but instead they had opposed a just law for which they ought to be severely punished. He then elaborated on the relationship between the King and his subjects. Both parties were bound by a mutual covenant; the King was obliged to protect the people, and the people to support and obey the King. If either party violated the stipulations, the other was released from his obligation. The two-penny act was a just law, legally passed by the colonial legislature. By disallowing the act the King had failed to protect the interests of his subjects in Virginia and therefore they were no longer obligated to obey him.

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[64] Hening, *Statutes at Large*, VII, 276-277.

[65] Fauquier to the Lords Commissioners, September 1, 1760; reprinted in the appendix of McIlwaine, *Journals of the House of Burgesses, 1758-1761*, 287-289.

[66] *Journal of the Commissioners for Trade and Plantations from January 1759 to December 1763* (London: His Majesty's Stationery Office, 1935), 46. Report of the Lords Commissioners, July 4, 1759; Perry, *Historical Collections*, I, 459. The position taken by the colonial government was recorded in "Proceedings of the Virginia Committee of Correspondence, 1759-'67," *Virginia Magazine of History and Biography*, X (1902-1903), 337-356; XI (1903-1904), 1-25.

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[67] A brief summary of the cases is contained in Arthur P. Scott, "The Constitutional Aspects of the 'Parson's Cause'," Political Science Quarterly, XXXI (1916), 566-568.

This brought cries of treason from Peter Lyons, Maury's attorney, but the oratory of the youthful lawyer produced its effects; the jury awarded the parson a mere one penny.[68] Even the Reverend Mr. Maury fell under the spell of Henry's reasoning and became an ardent admirer of his doctrine of liberty.[69]

Although the Maury case was probably the most famous due to the role played by Henry, the crucial case was that of John Camm. His case was initially brought before the General Court by virtue of the fact that his parish was in Williamsburg. The case was instituted on October 10, 1759, but the Court delayed making a decision and the proceedings dragged on for nearly five years. The delay was apparently deliberate; the Governor had told the members of the Council, who also constituted the General Court, "Now you see this business of the Clergy must come into your Court where you may keep it as long as you please."[70] The Court finally acted on the case on April 10, 1764, when it voted five to four to uphold the act of 1758. The Governor was not required to vote but publicly expressed his approval of the decision.[71]

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[68] Robinson to the Bishop of London, August 17, 1764, and August 12, 1765; Perry, Historical Collections, I, 497-498, 514. William Wirt Henry, Patrick Henry, Life, Correspondence and Speeches (New York: Charles Scribner's Sons, 1891), I, 34-44.

[69] Ibid., 97.

[70] Robinson to the Bishop of London, 1763; Perry, Historical Collections, I, 475.

Camm appealed the decision to the Privy Council, and in this he was actually acting on behalf of all the ministers in the colony who had been deprived of part of their salaries, or might be deprived in the future, through acts passed by the legislature. The General Assembly had anticipated that appeals by clergymen would be made. On November 14, 1759, the Assembly ordered:

> That it be an Instruction to the Committee of Correspondence to direct the Agent for this Country, that if any Appeal should be carried from hence to England, relative to the Act, intituled, An Act to enable the Inhabitants of this Colony to discharge their public Dues, Officers Fees, and other Tobacco Debts, in Money, for the ensuing Year, to use his own Endeavours, and to employ proper Counsel to support the Proceedings of the Vestries, of this Colony acting under the Authority of the said Law.[72]

Thus the Assembly was willing to undertake the expense of providing counsel in England to defend the decisions handed down in the colonial courts.

Camm's case was referred to a committee of the Privy Council where it was argued at length. In accordance with the recommendation from the committee, the Privy Council dismissed the appeal. The decision was based not on the merits of the case but upon a technicality which may have been a mere pretext for evading the issue. Presumably the Privy Council wished to avoid further offense to colonial opinion at a time when it was already alarmingly hostile over the Stamp Act controversy.[73] The General Court of Virginia regarded this technical victory as a vindication of its position and consequently dismissed a number of appeals pending from other clergymen.[74] In the final outcome, the clergy of the Old Dominion had been defeated.

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[71] Robinson to the Bishop of London, August 12, 1765; *ibid*., 513. Scott, "Parson's Cause," 567-568.

[72] McIlwaine, *Journals of the House of Burgesses, 1758-1761*, 146.

The Parson's Cause also produced a vigorous literary war in the colony in which the various aspects of the twopenny acts and their disallowance were discussed in considerable detail by both sides. In his letter of June 14, 1759, to the Lords Commissioners, the Bishop of London had severely criticized the act of 1758 and the General Assembly which had passed it, labeling its actions as treasonable.[75] When the contents of the letter were revealed in Virginia, many colonials became incensed over the attack upon the legislature. Landon Carter, a member of the House of Burgesses and of the Committee of Correspondence, had published in Williamsburg in 1759 a fifty-six page letter to the Bishop of London in which he harshly castigated the Bishop.[76] Richard Bland, also a Burgess and member of the Committee of Correspondence, joined Carter in the attack upon the Bishop. In 1760, he wrote a twenty page letter to the clergy of Virginia in which he reprinted the Bishop's letter, renounced the charges it made and sought to vindicate the General Assembly.[77] William Robinson sent the two pamphlets to the Bishop of London and reported that they were,

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[73] Robinson to the Bishop of London, June 6, 1766, and October 16, 1767; Perry, Historical Collections, I, 519-529. Scott, "Parson's Cause," 568.

[74] Robinson to the Bishop of London, October 16, 1767; Perry, Historical Collections, I, 527. Horrocks to the Bishop of London, July 6, 1769; ibid., 530.

[75] Bishop of London to the Lords Commissioners; ibid., 461-463.

> . . . both printed here, and received with great applause, which sufficiently shew to what a pitch of insolence many are arrived at, not only against our most worthy diocesan and the Clergy, but likewise against his Majesty's most Honorable Privy Council. Such disposition to ferment and encourage disaffection to the Church and Clergy, if suffered to proceed may at a Crisis, bring about such a change in our religion, as may alter the Constitution of the State.[78]

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[76] William Clayton Torrence, A Trial Bibliography of Colonial Virginia, 1754-1776 (Richmond: Davis Bottom, Superintendent of Public Printing, 1909), 19-20; a special report in the Sixth Annual Report of the Library Board of the Virginia State Library, 1908-1909.

[77] Richard Bland, A Letter to the Clergy of Virginia, in which the Conduct of the General-Assembly is vindicated Against the Reflexions contained in a letter to the Lords of Trade and Plantations, from the Lord-Bishop of London (Williamsburg: William Hunter, 1760), 20 pp. No. 8551 in Clifford K. Shipton, ed., Early American Imprints, 1639-1800 (Wooster: American Antiquarian Society, 1956). Torrence, A Trial Bibliography, 24-25.

[78] Robinson to the Bishop of London, November 20, 1760; Perry, Historical Collections, I, 465.

Camm replied to Carter and Bland in a fifty-one page pamphlet in which he presented a detailed economic analysis of the two-penny act and employed such violence in language that he was unable to find a printer in Virginia who would publish it. He finally had to go to Maryland where it was published by Jonas Green in 1763.[79] Bland responded with a letter in the *Virginia Gazette* on October 28, 1763. Camm fired back shortly thereafter with a letter entitled "Observations on Colonel Bland's Letter to the Reverend John Camm."[80]

Carter reentered the fray in 1764 with a thirty-nine page treatise in reply to Camm's pamphlet. He charged the Reverend with having mercenary motives as the basis for his opposition to the two-penny act.[81] Camm retaliated with a second pamphlet in which he sarcastically analyzed Carter's work page by page and reiterated his own views.[82]

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[79] John Camm, *A Single and Distinct View of the Act Vulgarly Called the Two-Penny Act* (Annapolis: Jonas Green, 1763), 51 pp.; in *Early American Imprints*, No. 9359. Lyon G. Tyler, "The Leadership of Virginia in the War of the Revolution. Part II. The Two Penny Act," *William and Mary College Quarterly*, XIX (1910), 21. Bernard Bailyn, ed., *Pamphlets of the American Revolution, 1750-1776* (Cambridge: Belknap Press of Harvard University Press, 1965), I, 296. Torrence, *A Trial Bibliography*, 33-34.

[80] Bland's letter and Camm's "Observations" were reprinted by Bland in the appendices of his *The Colonel Dismounted*; in Bailyn, *Pamphlets of the American Revolution*, I, 328-350. Cf., fn. 83.

[81] Landon Carter, *The Rector Detected: Being a Just Defence of the Two-Penny Act, Against the Artful Misrepresentations of the Reverend John Camm* (Williamsburg: Joseph Royle, 1764), 39 pp.; in *Early American Imprints*, No. 9613. Torrence, *A Trial Bibliography*, 37-38.

At this point Bland produced his now famous *The Colonel Dismounted: or the Rector Vindicated*. It took the form of a dialogue between a Colonel, apparently Bland, and a mythical individual supposedly defending Camm. The tone of the work is extremely bitter and ironical, but its chief value lies in Bland's explanation of how the British Constitution worked in America. He presented a defense of the right of Virginians to govern their internal affairs without interference from the royal government. The pamphlet was signed "Common Sense."[83] So significant was this work that it has been called "the great initial paper of the American Revolution."[84] The final shot in this literary war was fired by Camm. In 1765, he wrote a third pamphlet,[85] but by this time other issues were pushing the two-penny controversy out of the limelight; 1764 had brought the Sugar Act, and 1765 the Stamp Act.

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[82] John Camm, *A Review of the Rector Detected: or the Colonel Reconnoitered* (Williamsburg: Joseph Royle, 1764), 29 pp.; in *Early American Imprints*, No. 9612. Torrence, *A Trial Bibliography*, 37.

[83] Richard Bland, *The Colonel Dismounted: or the Rector Vindicated. In a Letter addressed to His Reverence: containing A Dissertation upon the Constitution of the Colony* (Williamsburg: Joseph Royle, 1764), 30 pp. plus appendices; in Bailyn, *Pamphlets of the American Revolution*, I, 300-350; cf., 292-299. Torrence, *A Trial Bibliography*, 36.

[84] Tyler, "The Two Penny Act," 25. Bailyn thinks this statement is an exaggeration; *Pamphlets of the American Revolution*, I, 293.

[85] John Camm, *Critical Remarks on a Letter Ascribed to*

The controversy engendered by the two-penny acts proved to be a catastrophe for the Anglican Church and its clergy in Virginia. William Robinson, a close associate of Camm, reported to the Bishop of London that,

> It is to be reckoned dangerous to the state here for the clergy to apply to authority in England on any occasion whatsoever, and the clergy are to be run down and ruined by falsehood, clamor, misrepresentation and every imaginable method.[86]

Robinson, of course, believed that the clergy were entirely justified in their opposition to the two-penny acts, but he gave the impression that he regarded the appeal to the crown as an unwise move.[87]

Andrew Burnaby, an English clergyman who travelled in the colonies in 1759-60, left the following comment on the clergy's role in the controversy:

> They sent over an agent to England, and the law was repealed. This greatly exasperated the people; and such is their mutual animosity at this time, that, I fear, it will not easily subside, or be forgotten.[88]

Common Sense containing an attempt to prove that the Said Letter is an Imposition on Common Sense. With a Dissertation on Drowsiness (Williamsburg: Joseph Royle, 1765); in *Early American Imprints*, No. 9922.

[86] Robinson to the Bishop of London, undated but presumed to have been written about 1761. Fulham Papers. Volume XIV, "Virginia, 1761-undated."

[87] *Ibid*.

[88] Andrew Burnaby, *Travels Through the Middle Settlements in North America, in the Years 1759 and 1760; with*

Burnaby went on to say that although he believed the clergy to be in the right, he did not approve of the steps taken by them. He accused them of exhibiting violent passions, behaving disrespectfully toward the Governor, and of casting out invectives against the legislature. In Burnaby's opinion the people had been well disposed toward the clergy and were concerned over their meagre incomes. If the ministers had been willing to suffer their loss with patience and good grace and had appealed to the Assembly for redress of their grievances, the whole affair could have been worked out to the satisfaction of all.[89]

The Reverend Jonathan Boucher, a clergyman of the Anglican Church who ministered in Virginia at the time of the Parson's Cause,[90] stated that after the controversy the clergy "experienced every kind of discourtesy and discouragement."[91] He also claimed that this change in public

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Observations upon the State of the Colonies (third edition, London: T. Payne, 1798; reprinted in New York: A. Wessels Company, 1904), 49.

[89] Ibid., 50-52.

[90] Boucher was born in England in 1738 and came to Virginia at the age of 16. He returned to England for ordination in 1762 and ministered in Virginia until 1771. He then went to Maryland and was eventually ejected from that colony for his strong royalist views. Goodwin, The Colonial Church in Virginia, 252.

[91] Boucher expressed the above views in a sermon preached at St. Mary's Church in Caroline County, Virginia, in 1771; in Jonathan Boucher, A View of the Causes and Consequences of the American Revolution; In Thirteen Discourses

opinion and public conduct toward the clergy resulted in considerable growth among dissenting groups which by this time consisted of at least eleven ministers each having from two to four congregations under his care.[92]

At the bottom of the resentment and abuse directed toward the established church and its clergy by colonial Virginians lay a feeling of provincialism. The appeal by the clergy to the crown awakened this sense of Virginia nationalism. The clerical appeal found general disapproval among all classes of Virginians and caused many people to question the loyalty of the entire clergy to the colony. This suspicion was unjust to at least half of the clergy who had not been involved in the Parson's Cause.[93]

According to Hamilton J. Eckenrode, the whole affair comprised a significant step in the separation of church and state in Virginia and he concluded that "The effect of the 'Parsons' Cause' was to injure the prestige of the establishment, shake the confidence of the ministers and

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Preached in North America between the Years 1763 and 1775 (London: G. G. and J. Robinson, 1797), 99.

[92] Ibid., 100. Robert E. and B. Katherine Brown, Virginia 1705-1786: Aristocracy or Democracy? (East Lansing: Michigan State University Press, 1964), 259-260.

[93] Hamilton J. Eckenrode, Separation of Church and State in Virginia (Richmond: Davis Bottom, Superintendent of Public Printing, 1910), 26-27; a special report in the Sixth Annual Report of the Library Board of the Virginia State Library, 1908-1909.

encourage dissenters."[94]

The twenty-five years following the death of Blair saw the continuation of the struggle for political power. The period was characterized by a growing participation by the clergy in the political affairs of the colony. This participation took the form of opposition to various legislation passed by the Governor, the Council, and the House of Burgesses. Virginians in general resented the appeals made by the clergy over the head of the colonial government to higher authority in England.

The period also saw a decline in the power and authority of the Commissary when that office passed into the hands of Thomas Dawson. Although the position of the clergy had been strengthened through the act of 1748 and the outcome of the Kay affair, the gains were lost and the status of the church and the clergy suffered a severe setback from the controversy over the two-penny acts. The first steps which were to lead to the separation of church and state had been taken.

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[94] *Ibid.*, 27-28.

CHAPTER V

THE ESTABLISHED CHURCH AND ITS CLERGY ON THE EVE OF THE REVOLUTION

The decade and a half preceding the outbreak of the Revolution in Virginia witnessed a variety of events which increasingly involved the clergy of the established church in the political affairs of the colony. During this period three men served in the office of Commissary: William Robinson, James Horrocks, and John Camm.

In the midst of the controversy over the two-penny acts, William Robinson succeeded Thomas Dawson as Commissary upon the death of the latter in December, 1761. Robinson was the only Virginia-born clergyman to hold the office of Commissary, and although native born he was strongly royalist in his views. He regarded the outcome of the Parson's Cause as a serious setback for the church. His position on the issue made him unpopular with the Governor, the Council, and the House of Burgesses.[1] Governor Fauquier opposed Robinson's appointment to the commissaryship because of the clergyman's opposition to him and also because of his close association with Camm.[2] The Governor was faced with something of a dilemma because Camm was the only other likely candidate for the office, but he was even less acceptable to the Governor than Robinson. As a result of the opposition from the Virginia government, Robinson was not elected to the presidency of the college, nor was he appointed to the Council as his predecessors had been. He wrote to the Bishop of London in 1763 requesting the Bishop to use his influence with the Privy Council to secure an appointment to the Council in Virginia, but the appointment was never made.[3]

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[1] Robinson's views and attitude were clearly discernible in his letters to the Bishop of London most of which have been cited in the footnotes of the preceding chapter.

[2] Fauquier to the Bishop of London, July 29, 1761; Fulham Papers. Volume XIV, "Virginia, 1761-undated."

Robinson's unpopularity with the colonial government combined with his failure to gain the offices of college president and councilman proved extremely detrimental to his administration. Although he served as Commissary for nearly seven years, he accomplished very little. Consequently, the influence and power of the commissaryship declined even further. His most lasting contribution consisted of a series of lengthy letters written to the Bishop of London in which he reported in great detail the various aspects of the two-penny controversy.

Robinson died in 1768 and was succeeded by James Horrocks who had served as president of the College of William and Mary since 1764. Horrocks eagerly desired the commissaryship and as early as 1765 he had written to the Bishop of London offering his services in that capacity.[4] Upon Robinson's death, he promptly reminded the Bishop of his availability[5] and was finally appointed Commissary.[6] He was also appointed to the Council,[7] thus the three positions of Commissary, Councilor, and president of the college were again held by the same individual. But the power once exercised by the person holding this combination of offices had been lost.

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[3] Robinson to the Bishop of London. Although undated, a notation indicates it was received in January, 1763; ibid.

John Camm might well have succeeded Robinson as Commissary had it not been for the influential and powerful opposition of Governor Fauquier. Among the colonial clergy, Camm possessed the best qualifications to hold the office but was passed over in favor of the younger and less able James Horrocks. Horrocks later reported that his appointment caused cool feelings between himself and Camm.[8] Camm knew that he did not get the appointment because of his protracted controversy with Fauquier over the two-penny acts. In a letter to the Bishop of London, he reported that he had heard that the reason for his failure to get the appointment was his refusal to visit the Governor during his last illness. Camm contended that he had never been summoned and then reviewed his conflict with Fauquier and sought to vindicate himself.[9] The excuse given to Camm was merely a pretense to cover a deeply rooted political reason. At the time, Camm and the position he espoused were widely opposed in the colony and to have appointed him to the commissaryship with the likelihood that he would also be appointed to the Council certainly would have been inexpedient.

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[4] Horrocks to the Bishop of London, October 3, 1765; ibid.

[5] Horrocks to the Bishop of London, January 11, 1768; ibid.

[6] He acknowledged his appointment in a letter to the Bishop of London, June 27, 1768; ibid.

[7] Horrocks' first appearance on the Council was May 21, 1770. He was consistently referred to as Mr. Commissary. McIlwaine, Legislative Journals of the Council, III, 1409.

[8] Horrocks to the Bishop of London, November 1, 1768; Fulham Papers. Volume XIV, "Virginia, 1761-undated."

The controversy over the two-penny acts transformed religion into a complex issue of major significance and interest for the inhabitants of Virginia. The established church had suffered a severe setback in the Parson's Cause with the result that the growing body of dissenters became more aggressive in their demands for full religious toleration. Dissenting bodies had been in Virginia for years but offered no real threat to the established church until much later. The Quakers came as early as 1656 and although legislative acts were passed against them and they suffered some persecution, they remained. Gradually they were tolerated by custom probably because they were not aggressive and did not endanger the security of the establishment. Presbyterians came during the last quarter of the seventeenth century, but their growth was slow until the 1730's and 40's at which time the Anglican Church became quite disturbed over the rapid growth in Presbyterian popularity.[10]

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[9] Camm to the Bishop of London, September 8, 1768; ibid.

Parliament recognized the expedience of religious toleration and passed the Toleration Act of 1689. A decade later the General Assembly made the act effective in Virginia. Dissenters were allowed to absent themselves from the services of the established church upon condition that they attend their own services at least once every two months. This, however, was only partial toleration and did not apply to persons who denied the Trinity, the inspiration of the Scriptures, or the truth of Christianity.[11] Dissenting residents of a parish were still subject to parish tithes for the support of the established church.

The Baptists had also come to Virginia in the late seventeenth century but fared poorly until the mid-1700's when they enjoyed considerable growth. The Methodists who began as a sect within the Anglican Church first appeared in Virginia in 1772. They regarded themselves members of the Church of England and, therefore, did not oppose the establishment, nor did they seek to play a part in politics. Other sects represented among the immigrants on the western frontier included Lutherans, Mennonites, and Dunkers, but of all the dissenting groups, Presbyterianism predominated.[12]

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[10] Eckenrode, Separation of Church and State, 31-32. Brydon, Virginia's Mother Church, II, 154-155. Morton, Colonial Virginia, II, 583-584. William Henry Foote, Sketches of Virginia (first series, 1850; reprinted Richmond: John Knox Press, 1966), 40-48.

[11] Hening, Statutes at Large, III, 168-171. Seiler, "The Established Church in Virginia," 496-498. Morton, Colonial Virginia, I, 388-392.

By 1769, the variety of religious questions confronting the colonial legislature necessitated the appointment in the House of Burgesses of a Committee for Religion with instructions to,

> . . . meet and adjourn from Day to Day, and to take under their Consideration all Matters and Things relating to Religion and Morality, and all such as shall be from Time to Time referred to them, and report their Proceedings, with their Opinions thereupon, to the House: And the said Committee are to have Power to send for Persons, Papers, and Records, for their information.[13]

Three days later the House instructed the Committee to draw up a bill for exempting Protestant dissenters from the penalties of certain laws, but before action could be taken Governor Botetourt[14] dissolved the Assembly.[15] In the

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[12] Eckenrode, Separation of Church and State, 32-35. Brydon, Virginia's Mother Church, II, 178-191, 193-203. Foote, Sketches of Virginia, 314-319.

[13] John Pendleton Kennedy, ed., Journals of the House of Burgesses of Virginia, 1766-1769 (Richmond: The Colonial Press, 1906), 190.

[14] Norborne Berkeley, Baron de Botetourt became Governor in October, 1768.

[15] Ibid., 205, 218. Exactly what exemptions would have

November session the House again ordered the Committee for Religion to draw up a bill of toleration, but the Assembly adjourned before action could be taken.[16]

In the midst of this colony-wide concern over religion occurred another event which was to have great consequence for the Anglican Church and its clergy in Virginia. For many years various groups and individuals within the Church of England had discussed the feasibility of establishing an American episcopate and several attempts had been made to bring it to reality.[17] In Virginia no attempt had been made to establish a bishopric since the days of Alexander Moray a century earlier. In 1748, Thomas Sherlock succeeded Edmund Gibson as the Bishop of London and part of Sherlock's colonial policy was the renewal of efforts to establish an American episcopate.

By the 1760's considerable support had been gained from Anglicans in the northern colonies, but Virginians displayed little interest before 1771. This lack of concern caused dismay among northern Anglicans with the result that

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been made under the proposed law are unknown. The abrupt dissolution of the Assembly interrupted the work of the Committee before a bill could be drafted. Brown, Virginia 1705-1786, 260-261.

[16] Ibid., 252.

[17] Cross, The Anglican Episcopate, 88-112. Carl Bridenbaugh, Mitre and Sceptre (New York: Oxford University Press, 1962), 23-168.

a convention of Anglican clergymen from New York and New Jersey, which met in 1767, appointed two ministers to tour the southern colonies for the purpose of generating support for the establishment of the episcopacy. The move met with only limited success, but finally on a second tour through the south in 1770 enough support had been won in Maryland to cause the clergy there to draw up petitions to the King and other political and ecclesiastical authorities asking for a bishop for the colony. This action by the Maryland clergy raised the hope that a similar course would be followed by the Anglican clergy in Virginia and the Carolinas, but the ministers of the Virginia establishment, still smarting from defeat in the Parson's Cause, were reluctant to support any move which might further alienate them from the citizenry of their colony.[18]

There was, however, some meagre support among the Virginia clergy for the establishment of a bishopric. Jonathan Boucher, for example, was an outspoken advocate of such a plan.[19] John Camm also strongly favored the creation of a colonial episcopate and was in communication with northern leaders regarding the matter. Camm evidently persuaded

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[18] Cross, The Anglican Episcopate, 164-165, 215-216. Bridenbaugh, Mitre and Sceptre, 267-268, 315-318.

[19] In 1771, Boucher delivered a lengthy sermon on the subject at St. Mary's Church in Caroline County, Virginia. Boucher, A View of the American Revolution, 89-151.

Commissary Horrocks to back the program.[20] On May 9, 1771, Horrocks, through the pages of the Virginia Gazette, called a convention of the clergy for the express purpose of discussing "the Expediency of an Application to proper Authority for an American Episcopate." The meeting was scheduled to convene on June 4.[21]

The newspapers became the literary medium of the conflict and even before the convention assembled articles for and against the episcopacy appeared in the columns of the Virginia Gazette.[22] Throughout the remainder of 1771 and the first part of 1772 the two editions of the Virginia Gazette[23] devoted considerable space to the controversy.

The convention met as scheduled, but with very disappointing attendance. Out of approximately one hundred clergymen in the colony, only twelve, including the Commissary, attended. The first order of business was to determine if a sufficient number were present to conduct business. The question was decided in the affirmative. Then by majority vote the convention decided that it would be inexpedient to address the King on the question of an episcopate and advisable to seek the opinion of the Bishop of London. After some discussion the decision was reversed. By a vote of eight to four the convention resolved to petition the King for an American Episcopate. A committee was appointed to secure the approval of the majority of the clergy in the colony. Then the concurrence of the Bishop of London was to be sought with a request that he present the petition to the King. The convention stipulated that no petition would be submitted unless a majority of the clergymen in Virginia approved and signed it.[24]

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[20] Bridenbaugh, Mitre and Sceptre, 317-318.

[21] Virginia Gazette (Purdie and Dixon), May 9, 1771.

[22] Virginia Gazette (Rind), May 23, 1771; and Virginia Gazette (Purdie & Dixon), May 30, 1771. Although only a fragment exists of the Rind edition of the above date, sufficient evidence exists to determine that a severe attack upon the plan for an episcopate appeared in that edition by an anonymous writer who signed the article "A Country Clergyman." A reply signed by "A Country Gentleman" appeared in the Purdie & Dixon edition under the date indicated above.

[23] At this time rival editions of the Virginia Gazette were being published in Williamsburg by William Rind and by Alexander Purdie and John Dixon.

Two of the opponents of the resolution were recent arrivals in Virginia. Samuel Henley and Thomas Gwatkin had migrated to the colony early in 1770. Both men were in their late twenties and both were members of the faculty at the College of William and Mary.[25] Together they issued a strong protest against the proceedings of the convention and listed seven reasons for their opposition. Among the most important reasons was the contention that an American episcopate would weaken the ties between England and her colonies by creating fear and jealousy among Protestant dissenters and by giving ill disposed persons an excuse to cause disturbances which might endanger the very existence of the British Empire in America. Furthermore, Gwatkin and Henley claimed that it was indecent for the clergy to petition for an episcopate without the approval of the Governor, the Council, and the House of Burgesses. To do so would constitute a "usurpation directly repugnant to the right of mankind."[26]

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[24] Letter of Thomas Gwatkin and Samuel Henley, Virginia Gazette (Purdie & Dixon), June 6, 1771. Letter of John Camm, Ibid., June 13, 1771. Thomas Gwatkin, A Letter to the Clergy of New-York and New-Jersey, occasioned by an Address to the Episcopalians in Virginia (Williamsburg: Alexander Purdie and John Dixon, 1772), 4-6; in Early American Imprints, No. 12408.

[25] Ray Hiner, Jr., "Samuel Henley and Thomas Gwatkin; Partners in Protest," Historical Magazine of the Protestant Episcopal Church, XXXVII (1968), 39.

John Camm promptly replied with a point by point denial of the Gwatkin and Henley protest,[27] but the views of the two opposing clergymen won the approval of the Virginia legislature. Consequently, Gwatkin and Henley, along with the other two resolution opponents, William Bland and Richard Hewitt, received the thanks of the House of Burgesses for the

> . . . wise and well timed Opposition they have made to the pernicious Project of a few mistaken Clergymen, for introducing an American Bishop; a Measure by which much Disturbance, great Anxiety, and Apprehension, would

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[26] Virginia Gazette (Purdie & Dixon), June 6, 1771.

[27] Ibid., June 13, 1771.

> certainly take Place among his Majesty's faithful American Subjects.[28]

Virginia again was plunged into a newspaper and pamphlet war, but this time it was more intense and involved a greater number of participants. Both clergymen and laymen, mostly writing under pseudonyms, debated prolifically the pros and cons of an American episcopate.[29] The controversy soon degenerated into a malicious name-calling affair among members of the Anglican Church. Such actions were publicly denounced by one anonymous author writing under the name "Martin Luther."[30]

Less than three weeks after he had stirred up the colony with the June 4 convention, Commissary Horrocks sailed for England for the recovery of his health. In his absence he appointed William Willie acting Commissary and John Camm acting president of the college.[31] When general clerical support for the episcopate did not materialize, Willie called a convention to meet on October 16, 1771,[32] but the ministers did not attend in sufficient number to justify holding a meeting. A few months later Willie called another convention to meet on February 20, 1772.[33] There is no evidence the convention ever assembled. The clergy, fully aware of the attitude of the House toward the episcopate, probably regarded it inexpedient to oppose the Burgesses and therefore decided to boycott the conventions. But this is not to say that the ministers had simply been intimidated. Many of them were genuinely opposed to the episcopate.

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[28] John Pendleton Kennedy, ed., Journals of the House of Burgesses of Virginia, 1770-1772 (Richmond: The Colonial Press, 1906), 122. Cf., Virginia Gazette (Rind), July 18, 1771.

[29] George W. Pilcher, "Virginia Newspapers and the Dispute Over the Proposed Colonial Episcopate, 1771-1772," The Historian, XXIII (1960-1961), 98-113. Also by the same author, "The Pamphlet War on the Proposed Virginia Anglican Episcopate, 1767-1775," Historical Magazine of the Protestant Episcopal Church, XXX (1961), 266-279.

[30] Virginia Gazette (Purdie & Dixon), July 4, 1771.

[31] Ibid., June 20, 1771.

After the literary war had dragged on for some months and it had become evident that sufficient support for the episcopate was not forthcoming, Purdie and Dixon announced,

> Many of our Readers, for some time have complained of their being tired of the Dispute about an American Episcopate, and we must acknowledge that we begin to be sick of it likewise, seeing that there is no prospect of its Termination.[34]

The refusal of the clergy to attend the conventions and the apparent discontent among many Virginians over the endless newspaper debate dealt death blows to the struggle for a Virginia bishopric. Although the controversy subsided from the columns of the Virginia Gazette in the spring of 1772, it did not disappear completely. Some discussion continued right up to the Revolution. The affair had caused a great stir in the Old Dominion but a majority of the clergy opposed the episcopate and nothing came of the movement.[35]

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[32] Ibid., September 17, 1771.

[33] Ibid., January 17, 1772.

[34] Ibid., March 12, 1772.

When the Anglican clergy of New York and New Jersey learned of the outcome of the June 4 convention and of the commendation which the House of Burgesses extended to the opponents of the episcopate, they sent a communication to the Episcopalians in Virginia. It explained the need for an episcopate in the colonies, but the northern clergymen erred when they cast aspersion on the Virginia protesters and censured the House of Burgesses for its endorsement of their actions.[36]

Gwatkin promptly replied in a letter addressed to the clergy of New York and New Jersey. The importance of the letter lay in Gwatkin's explanation of how an episcopate would be politically inexpedient for Virginia. He insisted that he was not opposed to the episcopate in principle, but under existing conditions the time was not proper to establish a bishopric in Virginia. He then enumerated the various ways in which episcopal authority would conflict with Virginia law. For example, under existing Virginia laws the General Court also served as an ecclesiastical court with extensive jurisdiction over the clergy. Therefore, a bishop could not legally exercise ecclesiastical jurisdiction which by law had been placed in the hands of the legislature. Also by act of the Virginia legislature, no clergyman was eligible to hold a parish in the colony unless ordained by a bishop of England. Gwatkin further claimed that to invest a Virginia bishopric with the powers similar to its English counterpart would necessitate a seat on the council, authority to set up ecclesiastical courts, jurisdiction over both clergy and laity, and a voice in the choosing of ministers by the vestries.[37] Burgess Richard Bland followed an identical line of argument in a letter to a friend in England. He claimed that if a bishopric were set up in Virginia, "it would have overturned all of the acts of Assembly relative to ecclesiastical jurisdiction."[38]

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[35] Lyon Gardiner Tyler, Williamsburg, The Old Colonial Capital (Richmond: Whittet & Shepperson, 1907), 54.

[36] An Address from the Clergy of New-York and New-Jersey, to the Episcopalians in Virginia; Occasioned by some late transitions in that Colony relative to an American Episcopate (New York: Hugh Gaine, 1771), 5-8; in Early American Imprints, No. 12021.

The arguments of Gwatkin and Bland expressed the sentiment held by a large majority of Virginians. They objected to a colonial episcopate endowed with civil powers which would encroach upon the colonial government.[39] Virginians were very sensitive to any such encroachments and one zealous layman concluded his attack upon the episcopate with the claim that it was merely the latest in a series of schemes to enslave the colonies.[40] There can be little question that many of his fellow citizens shared the same opinion.

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[37] Gwatkin, Letter to the Clergy of New York and New Jersey, 9-26.

[38] Richard Bland to Thomas Adams, August 1, 1771, reprinted in William and Mary College Quarterly Historical Magazine, V (1896-1897), 153.

Contemporaries regarded the struggle over the episcopate as a major cause of the Revolution, but were unaware of its significance until after the war. Jonathan Boucher, the former Virginia Anglican clergyman, wrote,

> That the American opposition to episcopacy was at all connected with that still more serious one so soon afterwards set up against civil government, was not indeed generally apparent at the time: but it is now indisputable, as it also is that the former contributed not a little to render the latter successful. As therefore this controversy was clearly one great cause that led to the revolution . . . .[41]

One of the arguments propounded in favor of an American episcopate claimed that the presence of a bishop would bring order and discipline to the clergy.[42] From time to time the colony experienced some difficulty with ministers guilty of misconduct. In 1643 the colonial legislature had delegated to the General Court the authority to act as an ecclesiastical court with authority to suspend a minister, but the power to remove him permanently was reserved for the General Assembly.[43] The fact that English law prohibited the trial, conviction, and dismissal of a minister by a civil court placed the right of the colonial government to suspend and remove a Virginia clergyman on questionable legal ground. Apparently the Virginia government recognized this because their self-imposed powers were rarely used. With the establishment of the commissaryship in Virginia the responsibility of clerical discipline was shifted to that office, but the Commissary still lacked official authority to enforce discipline until the Gibson commission in 1728. The authority granted in the Gibson commission ceased with the Bishop's death in 1748 and was not renewed. Consequently the question of final judicial authority in ecclesiastical affairs returned to that state of tenuity so characteristic throughout the colonial period. One of the problems which had haunted the colonial church was how to deal with an unworthy, but inducted, clergyman apart from episcopal authority. In the case of John Brunskill, the Governor and the Council took the initiative, but such action by the colonial government was rare. A colonial bishop, of course, would solve the problem.

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[39] Cross, The Anglican Episcopate, 240. William Meade, Old Churches, Ministers and Families of Virginia (Philadelphia: J. B. Lippincott Company, 1906), I, 168-172.

[40] Virginia Gazette (Purdie & Dixon), June 20, 1771.

[41] Boucher, Causes of the Revolution, 150.

[42] Virginia Gazette (Purdie & Dixon), October 10, 1771.

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[43] Hening, Statutes at Large, I, 242.

The House of Burgesses apparently sought to provide its own solution by its actions early in 1772. On February 25, the Committee for Religion was ordered to investigate the condition of the established church in the colony.[44] A month later the committee presented its report with the recommendation "that for superintending the Conduct of the Clergy a Jurisdiction [ecclesiastical court] consisting of Laymen and Clergymen be established."[45] A bill was introduced to effect the recommendation,[46] but before final action could be taken Governor Dunmore[47] prorogued the Assembly.[48] The bill was not introduced during the next session. The attempt by the House to create an ecclesiastical court as a substitute for episcopal supervision had failed.

Commissary Horrocks never returned to the colony; he died in Portugal on March 27, 1772.[49] John Camm succeeded

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[44] Kennedy, Journals of the House of Burgesses, 1770-1772, 189.

[45] Ibid., 275.

[46] Ibid., 275, 308.

[47] John Murray, Earl of Dunmore, served as Governor from August, 1771, until the outbreak of the Revolution. He fled from the colony in June, 1775.

[48] Ibid., 317.

[49] Announced in the Virginia Gazette (Purdie & Dixon), July 23, 1772.

Horrocks as Commissary,[50] Councilor,[51] and president of the college.[52] His qualifications made him the logical choice, but his Tory sentiments made him unpopular and the wisdom of choosing him questionable. He had been on the wrong side as far as Virginians were concerned in the Parson's Cause and in the controversy over the establishment of an American episcopate.

In the years 1774 to 1776 several significant events occurred which affected or involved the clergy. In the spring of 1774, the British government ordered the closing of the Port of Boston as a punitive measure for the famous "Tea Party" of 1773. The House of Burgesses, in sympathy with Virginia's sister colony to the north, sensed the imminent danger created by "the hostile Invasion of the City of Boston" and ordered June 1, the day the Port Bill became effective, to be set aside,

> . . . as a day of Fasting, Humiliation, and Prayer, devoutedly to implore the divine interposition, for averting the heavy Calamity which threatens destruction to our Civil Rights, and the Evils of civil War; to give us one heart and one Mind firmly to oppose, by all just and proper means, every injury to American Rights.[53]

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[50] Ibid., August 20, 1772.

[51] Ibid., October 22 and 29, 1772.

[52] Ibid., July 30, 1772.

[53] John Pendleton Kennedy, ed., Journals of the House of Burgesses of Virginia, 1773-1776 (Richmond: The Colonial Press, 1905), 124, session of May 24.

The Burgesses were ordered to convene on the assigned day for the purpose of removing to the church to hear prayers read by the Reverend Thomas Price and a sermon by Thomas Gwatkin.[54]

The actions of the House resulted in its dissolution by the Governor on May 26, 1774.[55] Most of the Burgesses retired to the Raleigh Tavern in Williamsburg where they drew up a statement entitled the "Association of Members of the Late House of Burgesses." This document expressed the conviction of the legislators that the British government had failed to observe and protect the constitutional rights of the colonies and that they were seeking to enslave the inhabitants of British America through unjust taxation. Furthermore, this taxation was being imposed without the consent of colonists or their representatives. The Burgesses referred to the events in Boston as an example of such action by the British. They recommended that the committee of correspondence communicate with the other colonies regarding the expedience of calling a general congress for the purpose of discussing what course the colonies should follow.[56]

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[54] Ibid.

[55] Ibid., 132.

[56] Julian P. Boyd, ed., The Papers of Thomas Jefferson (Princeton: Princeton University Press, 1950), I, 107-108.

The "Association" concluded with a resolution to discontinue all commercial intercourse with Great Britain. On May 27, 1774, eighty-nine Burgesses signed the document. An additional twenty-one inhabitants of the colony affirmed they had "maturely considered the contents of the above association, [and] do most cordially approve and accede thereto." Thirteen of the signers were Anglican clergymen.[57] The significance of the ministers signing the "Association" lies in the fact that by doing so they were required to make a political decision. Their signatures on the document attested that they agreed with the analysis and opinion of the Burgesses as to the existing political situation and that they approved of the measures recommended.

The meeting at Raleigh's Tavern continued for several days and the legislators agreed that their recommendation to discontinue commercial activity with Britain should not be effected without further deliberation by all the Burgesses. All the members of the House were invited to meet in convention on August 1.[58] The convention met as scheduled and conducted business just as if it were a legally constituted assembly. Seven representatives to the First Continental Congress were elected and issued instructions.[59] The convention also adopted a lengthy statement which effected a severance of commercial relations with Britain.[60] According to Hamilton J. Eckenrode, this convention marked the actual beginning of the Revolution in Virginia.[61]

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[57] _Ibid._, 108-109. The clergymen who signed were William Harrison, William Hubbard, Benjamin Blagrove, William Bland, H. J. Burges, Samuel Smith M'Croskey, Joseph Davenport, Thomas Price, David Griffith, William Leigh, Robert Andrews, Samuel Klug, Ichabod Camp.

[58] "Proceedings of a Meeting of Representatives in Williamsburg, (30th May 1774,)" and "From Peyton Randolph and Others to Members of the Late House of Burgesses," in Boyd, _Papers of Thomas Jefferson_, I, 109-112.

Virginia was transformed from a colony to a commonwealth by means of five extralegal conventions, the first being the one held in August, 1774.[62] The last three of these conventions met after the close of the final session of the House of Burgesses. The new House of Delegates met in October, 1776.[63] These conventions passed a number of acts of great import for the clergy. The convention of July, 1775 devoted much of its labors to the organization and administration of a militia force. The legislation included provisions for the appointment of chaplains.[64] But the convention also stipulated that all clergymen and dissenting ministers were exempt from military service.[65] Therefore, if a clergyman served as a chaplain, it was by his own choice. If he did choose to serve in that capacity, his action revealed where his political sentiment lay.

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[59] "Instructions by the Virginia Convention to Their Delegates in Congress, 1774," *ibid.*, 141-143.

[60] *Virginia Gazette* (Purdie & Dixon), August 11, 1774.

[61] H. J. Eckenrode, *The Revolution in Virginia* (Boston and New York: Houghton Mifflin Company, 1910), 35.

[62] The other conventions convened in March, 1775; July, 1775; December, 1775; and May, 1776.

[63] The last session of the House of Burgesses ended on June 24, 1775. Meetings were called for October 12, 1775; March 7, 1776; and May 6, 1776, but attendance was so meagre that no business was conducted. Kennedy, *Journals of the House, 1773-1776*, 283.

This same convention of mid-1775 also drew up an ordinance regulating the election of delegates. Among its stipulations appeared the following,

> And it is hereby farther declared and ordained, That all clergymen of the church of England, and all dissenting ministers or teachers, shall be incapable of being elected as a delegate, or sitting and voting in convention.[66]

The following year a similar restriction was included in the new constitution.[67] What had been observed in practice throughout the colonial period finally became the law of the land. Inasmuch as this subject was an integral part of the whole movement for the separation of church and state, further discussion is reserved for the final chapter in which the disestablishment of the church will be covered.

Two actions by the Virginia legislators were of special concern for the established clergy. The last convention began in May, 1776, and extended on through June and into July. The final action taken by the convention, immediately prior to adjournment on July 5, consisted of the revision of the Prayer Book of the established church. The convention ordered that the references to the King and the royal family be deleted from the Prayer Book. The precise locations of these references were enumerated and alternate prayers were substituted, invoking divine favor and blessing upon the magistrates of the commonwealth.[68] This action placed the Anglican clergy in a very difficult position. In order to become a minister of the established church in Virginia, a candidate for holy orders had to be ordained by a bishop of England. The ordination ceremony included the administration of the Oath of Supremacy to the candidate by the bishop.[69] If a clergyman agreed to the revision of the Prayer Book as prescribed by the Convention, he, in effect, denied the oath he had previously taken.

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[64] Hening, Statutes at Large, IX, 10, 14, 18, 23.

[65] Ibid., 28.

[66] Ibid., 57.

[67] Ibid., 117.

Governor Dunmore, at the time residing aboard a British vessel in Chesapeake Bay, wrote,

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[68] *The Proceedings of the Convention of Delegates, Held at the Capitol, in the City of Williamsburg, In the Colony of Virginia, On Monday the 6th of May, 1776* (Williamsburg: Alexander Purdie, 1776), 183-184; in *Early American Imprints*, No. 15198. G. MacLaren Brydon, "The Revision of the Prayer Book by an American Legislature," *Historical Magazine of the Protestant Episcopal Church*, XIX (1950), 133-138.

[69] Walter Herbert Stowe, "A Study in Conscience: Some Aspects of the Relations of the Clergy to the State," *ibid*., 303-304.

> Their having ordered the prayers for the preservation of his Majesty, and those of his family, etc., to be erased, and substituted others for their Congress, Conventions, etc., in their place, I am well convinced (though this Colony is by no means remarkably over-religious) that this change will have a wonderful effect on the minds of the lower class of people, who, I am satisfied, even now only wait for an army able to protect them, which army, I doubt not, were they landed, they would immediately join; even many of those, I am satisfied, that now appear in arms against us would willingly change sides.[70]

The Governor, obviously, was very much mistaken in his appraisal of the situation in Virginia. The revision of the Prayer Book failed to generate the support for the British that he had anticipated.

The following year, while the Commonwealth was still less than a year old, the House of Delegates passed a law requiring all male residents of the state above sixteen years of age, servants excluded, to take an oath of allegiance to the State. The oath was to be taken before a justice of the peace who in turn would issue a certificate verifying that the action had been taken. The oath contained a renunciation of all allegiance to King George III and his successors and an affirmation of allegiance to Virginia. Persons who refused to take the oath were noted and disarmed and were declared incapable of holding any office in the state and had their civil rights severely curtailed. Ministers of the Gospel were among those employed to publicize this act. They were required to read its provisions immediately after divine services. Failure to do so carried a penalty of ten pounds.[71]

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[70] Dunmore to Lord George Germaine, June 26, 1776; in Peter Force, American Archives (Washington: M. St. Clair Clarke and Peter Force, 1851), Fifth Series, Vol. II, Column 162.

The oath of allegiance placed the Anglican clergyman more directly on the spot than had the revision of the Prayer Book. When the time came for him to take the oath he had to decide where his allegiance lay. This, of course, required a political decision as well as a decision of the conscience. If the clergyman took the oath of allegiance, then he in effect denied the oath he had taken to the King. If he refused he was subject to the restrictions imposed upon him by law and was open to persecution by zealous colonials who regarded his refusal as a traitorous act.

The years between the Parson's Cause and the outbreak of the Revolution comprised a time in which the majority of the Anglican clergy in Virginia aligned themselves firmly with the colonial cause. Those who remained loyal to the Crown became intensely unpopular. This period also saw a further serious weakening of the established church in the Old Dominion. The seeds of discontent which were to lead to the disestablishment of the church had been sown and were beginning to sprout.

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[71] Hening, Statutes at Large, IX, 281-283.

CHAPTER VI

THE ANGLICAN CLERGY IN THE REVOLUTION

By the time of the American Revolution the established church in Virginia was essentially a native institution. Its ministers received their support from the local populace, its laws were enacted by the colonial legislature, and a rising percentage of its clergymen were being drawn from native sons. This indigenous quality produced a church strongly sympathetic toward Virginia's claim of autonomy in her relations with Great Britain. Consequently a large majority of Virginia's Anglican clergy were supporters of the colony in the American Revolution.

In 1774, there were ninety-five parishes in Virginia, ninety of which had incumbent ministers and five being vacant.[1] In addition to these ninety, there were other clergymen serving on the faculty of the college; still others were assisting older clergymen in their parishes, tutoring, or waiting for charges. In the years 1774-1776, there were approximately one hundred and twenty Anglican clergymen residing in the Old Dominion, but new arrivals, deaths, and other factors kept the figure fluctuating. For example, in 1776, the number of Anglican clergymen in the colony had dropped to one hundred and five.[2]

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[1] "A List of Parishes, and the Ministers in Them," _The Virginia Almanack for the Year of Our Lord 1774_ (Williamsburg: Purdie & Dixon, 1773), reprinted in the _William and Mary College Quarterly Historical Magazine_, V (1896-1897), 200-203. R. S. Thomas, _The Loyalty of the Clergy of the Church of England in Virginia to the Colony in 1776 and Their Conduct_ (Richmond: William Ellis Jones, 1907), 5-14.

The political sentiments of all of these clergymen is not known, but approximately seventy were avowed patriots and about fifteen avowed Tories. Of those remaining it seems safe to assume that a majority were supporters of the Revolution.[3] The clergy expressed their political sentiment in a variety of ways and many had taken their stand before the Revolution had actually arrived. As indicated previously, thirteen Anglican clergymen had signed the "Association" of 1774 and thereby had already cast their lot with the colonial cause. Thirteen ministers of the established church also served as chaplains in the Virginia militia thus indicating their support of the Revolution.[4]

The individual experiences of the Anglican clergy during the Revolution varied widely. Of those who were avowed Tories, some chose to leave the colony. Those who remained were usually deprived of their parishes but were permitted to live quietly providing they voiced no opposition to the colonial government. A few Tory clergymen were allowed to continue serving their parishes.

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[2] Brydon, Virginia's Mother Church, II, 415. G. MacLaren Brydon, "The Clergy of the Established Church in Virginia and the Revolution," Virginia Magazine of History and Biography, XLI (1933), 11-13.

[3] Brydon, Virginia's Mother Church, II, 415, 420-421.

[4] The thirteen who served as chaplains were Robert Andrews, Alexander Balmaine, William Bland, John Bradfoot, John Cordell, Thomas Davis, William Dunlap, Spence Grayson, David Griffith, John Hurt, John Lyth, Fitzhugh Mackay, and Abner Waugh; ibid., 435.

The Reverend John Agnew, rector of Suffolk Parish in Nansemond County, was among the first to express open vocal opposition to the colonial cause. From his pulpit he continually castigated the Association and denounced those of patriotic sentiment. As a result, his parishioners expelled him from the parish and the Nansemond County Committee of Safety publicized his name as one inimical to the American cause.[5] His case was then referred to the Committee of Safety of Virginia. Agnew was unable "to procure personal Security for his future good behaviour according to a former Order," and therefore voluntarily proposed to turn over his possessions to the Committee as a guarantee of his future conduct. The proposal was accepted,[6] but Agnew did not abide by it. He left the area, became a chaplain of the Queen's Rangers and was later captured and sent to France.[7]

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[5] Force, American Archives, Fourth Series, II, columns 226-227. "A Loyal Parson," Virginia Historical Register, V (1852), 38-39; this is a collection of records bearing on Agnew's case. Eckenrode, The Revolution in Virginia, 107.

[6] H. R. McIlwaine, ed., Journals of the Council of State of Virginia (Richmond: Virginia State Library, 1931), I, 10; contains the Journals of the Committee of Safety of Virginia.

[7] Ibid., II, 139, 212. Lorenzo Sabine, Biographical Sketches of Loyalists of the American Revolution (Boston: Little, Brown and Company, 1864), I, 154-155.

The Reverend John Hamilton actively gave aid to Governor Dunmore. When the Governor was forced to leave the colony, Hamilton fled to Ontario and the Virginia government, regarding him an enemy, sequestered his property.[8] A few Tory clergymen terminated their existence in a hostile environment by returning to England. Alexander Cruden chose this course. The vestry of his parish advertised for a new minister claiming that Cruden had abdicated his position.[9] Two faculty members of the College of William and Mary, the Reverends Samuel Henley and Thomas Gwatkin, both of whom had received the plaudits of the House of Burgesses a few years earlier for their opposition to the establishment of an American episcopate, were Tories and left the college to return to England. Of the two, Gwatkin was the more devoted Tory. By 1774 he was well-known for his loyalist principles and the following year became the private chaplain of Governor Dunmore.[10]

Of those Tory clergymen who remained in the colony, some simply resigned from their parishes and were allowed to live quietly and unmolested upon their own land. Such was the case with Alexander Gordon[11] and William Douglas. Douglas was accused of having spoken disrespectfully of the people of America. An investigation by the Goochland County Committee of Safety resulted in his exoneration from the charges.[12] Others who remained did not fare so well. John Brunskill served as the minister of Raleigh Parish in Amelia County from 1754 to 1776. He regarded the colonial cause as rebellious and denounced those who participated in it. On one occasion he expressed his sentiments from the pulpit, whereupon, practically the entire congregation rose and left the church, but not before warning him that to repeat his denunciations would result in harsh treatment. During the Revolution his services as rector were discontinued, but he was allowed to live a quiet, secluded life on the glebe. After the war he resumed his former position and held it until his death in 1804.[13]

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[8] Brydon, "The Clergy of the Established Church in Virginia and the Revolution," 142. McIlwaine, Journals of the Council of State, II, 139.

[9] Virginia Gazette (Purdie), July 26, 1776. Goodwin, The Colonial Church in Virginia, 261. Thomas, The Loyalty of the Clergy, 8. Meade, Old Churches, Ministers and Families of Virginia, I, 390.

[10] Hiner, "Samuel Henley and Thomas Gwatkin; Partners in Protest," 49-50.

John Lyon, rector of St. George Parish in Accomack

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[11] Meade, Old Churches, Ministers and Families of Virginia, II, 10. Brydon, "The Clergy of the Established Church in Virginia and the Revolution," 139.

[12] Ibid., 135-136, 307. Brydon, Virginia's Mother Church, II, 418. Force, American Archives, Fourth Series, II, column 679. Meade, Old Churches, Ministers and Families of Virginia, I, 458-459.

[13] Ibid., II, 21-22. Goodwin, The Colonial Church in Virginia, 255. Sabine, Loyalists of the American Revolution, I, 270. Brydon, "The Clergy of the Established Church in Virginia and the Revolution," 127.

County, served his parish and lived on the glebe until 1780. But when British forces began to overrun Virginia he gave them aid. He was court-martialed for his actions, convicted and sentenced to five years imprisonment, but he was a competent and popular minister and his parishioners petitioned Governor Harrison to commute the sentence from imprisonment to exile. The request was honored and Lyon was permitted to live in the upper country twenty miles above Richmond and was required to post a bond. Eventually he was allowed to return to his parish.[14]

A few Tory clergymen continued serving their parishes throughout the war. The youthful rector of Cornwall Parish in Charlotte County, Thomas Johnson, proved to be arrogant and shallow in his support of the British government. The indiscreet twenty-seven year old clergyman boldly and publicly toasted the health of George III in a tavern. In 1775, the Charlotte County Committee of Safety publicized his name as an enemy of America citing the incident in the tavern along with a charge that Johnson had done business with a merchant who had violated the Virginia Association as the grounds for their decision. Johnson publicly apologized for his indiscretion and cast his lot with the colonials. Whether Johnson's conversion to the colonial cause was genuine or merely expedient is unknown, but he was permitted to continue his parish ministry.[15]

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[14] Eckenrode, The Revolution in Virginia, 254-255. William P. Palmer, ed., Calendar of Virginia State Papers (Richmond, 1881), II, 305-306, 344-345, 350, 586. "Rev. John Lyon Tried By A Court Martial In Accomack County, August 8, 1781," William and Mary College Quarterly Historical Magazine, second series, II, (1922), 285-288. McIlwaine, Journals of the Council of State, II, 397; III, 12, 59. H. R. McIlwaine, ed., Official Letters of the Governors of the State of Virginia (Richmond: Virginia State Library, 1929), III, 83, 84, 86, 87, 152.

Tory clergyman Christopher MacRae, minister of Littleton Parish in Cumberland County, refused to take the oath of allegiance to Virginia. He apparently exercised discretion by not publicly expressing his views. Being an exemplary minister, well-loved and appreciated by his people, he was able to continue serving his parish throughout the war despite his pro-English views. But his Toryism was not without its consequences. It caused him to suffer a severe beating at the hands of hoodlums. Although he endured the misfortune without complaint, the whole affair was revealed when one of his assailants confessed as he was about to be executed for another crime. In 1780, a petition was sent to the Virginia legislature requesting that MacRae be restrained from preaching. His parishioners filed a counter-petition expressing their desire that he be allowed to continue in his parish. Even former Governor Patrick Henry, then serving in the legislature, came to the parson's defense.[16]

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[15] Force, American Archives, Fourth Series, III, columns 1690-1691; IV, columns 884-885. Virginia Gazette (Dixon and Hunter), December 9, 1775.

The colony's leading clergyman, John Camm, was noted for his Tory sentiment. At the outbreak of the Revolution he was the Commissary, a member of the Council, president of the College of William and Mary, and rector of York-Hampton Parish. His services as Commissary and Councilman ended abruptly when the royal government fled the colony. His sympathy for the mother country also cost ~~him the~~ presidency of the college. On April 4, 1777, the *Virginia Gazette* carried a notice calling for a meeting of the Board of Governors and Visitors of the college. The notice further stated that Camm along with two other faculty members, John Dixon and Emmanuel Jones, had been charged with neglect and misconduct.[17] In mid-1777 Camm was removed from the presidency but remained in the colony and apparently continued to serve his parish until his death in 1779.[18] Dixon and Jones also lost their jobs at the college. Both remained in the colony and died within the next two years.[19]

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[16] Meade, *Old Churches, Ministers and Families of Virginia*, II, 35-37, 445. Sabine, *Loyalists of the American Revolution*, II, 42. Eckenrode, *Separation of Church and State*, 67.

[17] *Virginia Gazette* (Dixon and Hunter), April 4, 1777.

[18] Brydon claimed that Camm was required to give up his parish but offered no evidence in support of his contention, *Virginia's Mother Church*, II, 418. Goodwin, *The Colonial Church in Virginia*, 258. Brydon, "The Clergy of the Established Church in Virginia and the Revolution," 128-129.

[19] *Ibid.*, 135, 234.

The coming of the Revolution provided a severe setback for the College of William and Mary. The departure of the five Tory faculty members[20] left the institution with only a skeleton staff of younger, less experienced men. The college received a further reversal when, with the outbreak of hostilities, most of the students old enough to bear arms left school to serve in the Continental Army.[21]

Men change their minds and a few Anglican clergymen who at first supported the colonial cause shifted their allegiance back to the mother country. The vestry of Albemarle Parish elected William Andrews its minister on condition that he accept the status of the newly formed Commonwealth of Virginia. He agreed and assumed his position on October 1, 1776. When Cornwallis invaded Virginia, Andrews joined the British army and in 1781 was appointed the chaplain of the garrison at Yorktown. When Yorktown fell Andrews along with several other Anglican clergymen was captured. He was tried for treason but not convicted and at his request was permitted to leave the state. Eventually he returned to Virginia but there is a lack of evidence as to whether he resumed his ministry. The Reverend John Bruce had an almost identical experience. He defected to the British when Cornwallis entered Virginia. At the fall of Yorktown he was taken prisoner and ordered to be tried for treason, and he too was granted permission to leave the state but returned later.[22]

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[20] Camm, Gwatkin, Henley, Dixon, and Jones.

[21] Brydon, Virginia's Mother Church, II, 417-418, 430-432.

William Harrison had been ministering in Virginia since 1760. He demonstrated his support of the colonial cause by signing the Association of May 27, 1774. By 1780 he had shifted his allegiance to the British, became a chaplain in Cornwallis' army and was captured at Yorktown. He was to be prosecuted for treason but received permission to leave the state. He later returned and died in 1814 at the age of eighty-four, but he was not permitted to hold another parish.[23]

Of all those who defected to the British, Thomas Price was the most surprising. He had given every indication of his loyalty to the colonies. He was one of the thirteen Anglican ministers who had signed the Association in 1774. He served as chaplain of the House of Burgesses in 1773 and

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[22] Palmer, Calendar of Virginia State Papers, II, 561, 589; III, 131. Brydon, Virginia's Mother Church, II, 424-425. Eckenrode, The Revolution in Virginia, 285. Brydon, "The Clergy of the Established Church in Virginia and the Revolution," 20-21, 126-127. Hall, Journals of the Council of State, III, 5, 77, 109. McIlwaine, Letters of the Governors, III, 90.

[23] Ibid. McIlwaine, Journals of the Council of State, II, 402; III, 5, 45. Palmer, Calendar of Virginia State Papers, II, 561. Brydon, "The Clergy of the Established Church in Virginia and the Revolution," 142-143.

1774. He served as chaplain of the conventions of December, 1775, and May, 1776. He was also the chaplain of the first General Assembly to convene after the Declaration of Independence. But with the arrival of Cornwallis in 1781, Price joined the British forces. He too was captured at Yorktown. Price was to be tried for treason but, like the others, was permitted to leave the state instead. His former service to Virginia probably provided his rescue. The following year he was appointed rector of Petsworth Parish in Gloucester County.[24]

A good many Virginia Anglican clergymen expressed their support of the American cause and confirmed it by playing an active role in the Revolution. As indicated previously, at least thirteen ministers from the established church served as chaplains to the Virginia militia. A few others served in the army as regular officers. The most famous of the combatant ministers was Peter Muhlenberg. Muhlenberg was born in Pennsylvania in 1746 of immigrant German Lutheran parents. He entered the Anglican ministry in Virginia in 1772 becoming the rector of Beckford Parish in Dunmore County. He soon emerged as not only the spiritual but also the political leader of his area. He served as a magistrate and as the chairman of the local committee of correspondence. The citizens of Dunmore County further expressed their confidence in his political ability by electing him as one of their two representatives to the August Convention of 1774.[25] In the same summer he was elected to the Dunmore County Committee of Safety.[26]

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[24] *Ibid.*, 297-298. McIlwaine, *Journals of the Council of State*, II, 402, III, 5, 45. McIlwaine, *Letters of the Governors*, III, 150. C. G. Chamberlayne, ed., *The Vestry Book of Petsworth Parish, Gloucester County, Virginia, 1677-1793* (Richmond: Virginia State Library, 1933), 368. Vestry meeting of June 11, 1782.

Muhlenberg again represented Dunmore County in the second convention which met in March, 1775.[27] He was not, however, a delegate to the convention which convened the following July. This was the convention which passed the ordinance prohibiting clergymen from serving as delegates to the conventions. For some unknown reason the ordinance was not immediately put into effect because Muhlenberg was again elected to represent Dunmore County in the December Convention, as was another clergyman, Charles Thruston, from Frederick Parish in Frederick County.[28]

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[25] Meade, Old Churches, Ministers and Families of Virginia, II, 314. Edward W. Hocker, The Fighting Parson of the American Revolution (Philadelphia: published by the author, 1936), 52-56.

[26] Force, American Archives, Fourth Series, I, 418.

[27] Proceedings of the Convention held at Richmond in the County of Henrico, on the 20th Day of March, 1775 (Williamsburg: J. Dixon and W. Hunter, 1775), 4; in Early American Imprints, No. 14594.

[28] The Proceedings of the Convention of Delegates, held at the town of Richmond, in the Colony of Virginia, on Friday the 1st of December, 1775, and afterwards, by

A further testimony to Muhlenberg's political prowess was the role played by him in the December convention. A few weeks before the convention met, Governor Dunmore issued a proclamation imposing martial law upon Virginia. It also required every person capable of bearing arms to aid the crown or be regarded as a traitor. The proclamation declared the emancipation of all slaves and indentured servants belonging to rebels. The convention appointed a committee to perform the important task of formulating a reply to the Governor and Muhlenberg was appointed to that committee.[29] He also served on a number of other committees appointed to investigate various petitions.[30]

In January, 1776, the convention appointed Muhlenberg Colonel of the Eighth Virginia Regiment.[31] The fighting parson built a distinguished military record during the war, rising to the rank of Brigadier General in 1777 and Major General in 1783. After the Revolution Muhlenberg did not continue in the ministry but returned to Pennsylvania to pursue a political career. He was eminently successful

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adjournment, in the city of Williamsburg (Williamsburg: Alexander Purdie, 1776), [ii]; in Early American Imprints, No. 15197.

[29] Ibid., 6. Eckenrode, The Revolution in Virginia, 70.

[30] Proceedings of the Convention of Delegates . . . 1st December, 1775, 24, 29, 34, 77.

[31] Ibid., 84.

in this undertaking serving in the state government and then as a United States congressman and senator. He died in 1807.[32]

At the outbreak of the Revolution, the Reverend Charles Mynn Thruston was serving as the minister of Frederick Parish in Frederick County. In June, 1774, he was elected chairman of the Frederick County Committee of Safety.[33] The following year he was elected by his fellow citizens to represent Frederick County at the March Convention.[34] He served again in the July, 1775, convention during which a resolution was passed recommending "that a sufficient armed force be immediately raised and embodied, under proper officers for the defense and protection of this colony." Thruston was appointed to a committee to draw up an ordinance to accomplish the recommendation.[35] He was reelected to the December, 1775, convention during which he served on a number of committees.[36] Both Thruston and Muhlenberg were elected as delegates to the December convention although the July convention had passed the clerical exclusion provision. But neither man was elected to the all-important convention which convened in May, 1776.[37]

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[32] Hocker, The Fighting Parson, passim. Meade, Old Churches, Ministers and Families of Virginia, II, 311-316. Paul A. W. Wallace, The Muhlenbergs of Pennsylvania (Philadelphia: University of Pennsylvania Press, 1950), passim.

[33] Force, American Archives, Fourth Series, I, 392.

[34] Proceedings of the Convention . . . 20th Day of March, 1775, 4.

[35] The Proceedings of the Convention of Delegates for the Counties and Corporations in the Colony of Virginia, Held at Richmond town, in the county of Henrico, on Monday 17th of July, 1775 (Williamsburg: Alexander Purdie, 1775), 4, 7; in Early American Imprints, No. 14598.

Thruston's political career continued when in June, 1776, the Virginia Committee of Safety approved a recommendation from Frederick County that Thruston along with four others constitute a Court of Commissioners for that County.[38] In this capacity Thruston participated in providing for the defense of the state and of his county and accordingly was extended sums of money by the state to accomplish this purpose. His service was marred when he was suspected of fraud in connection with the monies entrusted to him. Subsequent investigation proved that Thruston was innocent. An associate of his on the commission was the perpetrator of the fraud and the Council of State ordered the attorney to prosecute him without delay. Thruston's record was apparently cleared for he was again entrusted with the handling of funds.[39]

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[36] *Proceedings of the Convention . . . 1st of December, 1775*, [ii], 34, 38, 44, 54, 55, 77.

[37] Their names are not listed among the delegates and their counties are represented by other men. *Proceedings of the Convention of Delegates, Held at the Capitol in the City of Williamsburg, in the Colony of Virginia, on Monday the 6th Day of May, 1776* (Williamsburg: Alexander Purdie, 1776), 3; in *Early American Imprints*, No. 15198.

[38] McIlwaine, *Journals of the Council of State*, I, 46.

Thruston received an appointment as a colonel in 1777 and less than two months later was seriously wounded. He resigned his commission early in 1779 and returned to Frederick County but did not resume his ministry, possibly because of a rule of the Church of England which prohibited a minister who bore arms from returning to the ministry until he was reinstated by a bishop.[40] He entered politics and served in the House of Delegates as a representative from Frederick County during most of the period from 1782 to 1788.[41]

The Reverend Isaac Avery was elected to the Northampton County Committee of Safety in December, 1774.[42] Late in 1776 he was elected Naval Officer for the district of Northampton and held this position until February, 1778.[43] Later in the year he was appointed a colonel in the county militia and also served as the County Lieutenant from 1778 to 1781.[44]

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[39] *Ibid*., I, 257-258, 260, 428; II, 46, 457.

[40] Brydon, "The Clergy of the Established Church in Virginia and the Revolution," 302-303.

[41] Earl G. Swem and John W. Williams, *A Register of the General Assembly of Virginia 1776-1918 and of the Constitutional Conventions* (Richmond: Davis Bottom, Superintendent of Public Printing, 1918), 15, 17, 22, 24, 26; in the *Fourteenth Annual Report of the Library Board of the Virginia State Library, 1916-1917*.

[42] Force, *American Archives*, Fourth Series, I, 1044.

[43] *Journal of the House of Delegates of Virginia, Anno Domini 1776* (Richmond: Samuel Shepherd & Co., 1828), 104. McIlwaine, *Journals of the Council of State*, I, 356; II, 91.

In 1778, Avery was elected to represent Northampton County in the House of Delegates.[45] The spring session was short lasting only from May 4 to June 1. Two days before adjournment Avery's eligibility to serve as a delegate was questioned on the ground that he was a minister. The matter was set aside with an order that it be investigated at the next session which would meet the following October.[46] The matter was handled as directed and on November 5, Avery was declared eligible to serve because he was not a minister.[47] Apparently Avery had left the ministry sometime between 1775 and 1778 with no intention of returning. At least the House was satisfied that he could no longer be classified as a minister.

With the question of eligibility settled, Avery embarked on a fairly successful political career in Virginia. After his term in the 1778 session of the House, he was elected to the Senate in 1779 where he served until 1782. The next year he was again elected to the House from Northampton County. In 1785 he was returned to the Senate where his service continued until 1788. At this point there occurred a break in Avery's political service during which time he changed his residence. In 1794, he was again elected to the House only this time from the County of Warick. This was his final term in the state legislature.[48]

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[44] McIlwaine, Letters of the Governors, III, 162. Brydon, "The Clergy of the Established Church in Virginia and the Revolution," 21-22.

[45] Journal of the House of Delegates of the Commonwealth of Virginia (Richmond: Thomas W. White, 1827), 5. May session, 1778.

[46] Ibid., 30.

[47] Journal of the House of Delegates of the Commonwealth of Virginia (Richmond: Thomas W. White, 1827), 45. October session, 1778.

Clergymen had been barred from serving in the legislature throughout the colonial period. In 1653 and in 1699 clergymen had been elected to the House but were denied their seats. In 1776 the disqualification clause was written into the state constitution. Avery's eligibility had been questioned but his case had been preceded by that of John Corbley. Corbley, a Baptist minister, was elected in 1777 to represent Monongalia County in the House of Delegates. The House, upon being informed of Corbley's profession, confronted him with the matter and he freely confessed to being a minister of the gospel but stated that he received no stipend or gratuity for his services. Corbley's lack of remuneration did not alter his status in the eyes of the House, for it passed a resolution stating that he was not duly elected to serve in the General Assembly and ordered that a new election be held to fill the vacant seat.[49]

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[48] Swem and Williams, Register of the General Assembly, 6-7, 10, 12, 15, 18, 23, 25, 28, 42.

Although it does not fall within the period of the Revolutionary War, another case is worthy of mention in which a minister represented his county in the political affairs of the state. Charles Clay, a native of Virginia, was ordained in 1769 and in the same year became rector of St. Anne's Parish in Albemarle County, a position he held until 1784. He was outspoken in his support of the colonial position and even equated the cause of liberty with the cause of God. In 1785-1786 he served as the minister of Manchester Parish in Chesterfield County.[50] About this time Clay took up residence in Bedford County but there is some question when the actual move took place. Under the date of May 22, 1782, the Journals of the Council of State reported that a Charles Clay, along with several others, was "added to the Commissions of the peace and oyer & Terminer for the County of Bedford." Three and a half years later, the Journal, under the date of September 26, 1785, stated that the Reverend Charles Clay had moved out of Bedford County and, therefore, according to the law he must be removed from the office of the Justice of the Peace.[51] Presumably the Charles Clay mentioned in the Journals was the same individual who had held parishes in Albemarle and Chesterfield counties. Clay returned to Bedford County after retiring from the ministry and was chosen as one of its two representatives to the Virginia Constitutional Convention of 1788.[52]

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[49] Journal of the House of Delegates of the Commonwealth of Virginia (Richmond: Thomas W. White, 1827), 9. October session, 1777.

[50] Thomas, The Loyalty of the Clergy, 5. Goodwin, The Colonial Church in Virginia, 260. Meade, Old Churches, Ministers and Families of Virginia, II, 48-50.

Robert Andrews, a native of Pennsylvania, went to England for ordination in 1772. Upon his return to Virginia he served as minister, tutor, and faculty member of the College of William and Mary. He was one of the thirteen clergymen who signed the Association of 1774 and also served as chaplain to a Virginia regiment for three years.[53] He engaged in a number of non-ministerial activities of a political or semi-political nature. In 1775 he was elected to represent York County in a meeting of the Williamsburg district for the purpose of raising and organizing a military force for the area.[54]

In July, 1779, the inhabitants of Williamsburg held a meeting at the courthouse "to consider probably means of appreciating our paper currency, of aiding the public credit, and averting the evils with which America is threatened." Andrews was unanimously elected chairman of a group to study the matter.[55] The following week the committee published a report in the Virginia Gazette couched in terms of glowing patriotism and vigorously denouncing profiteering by unscrupulous merchants. Price ceilings were set on various commodities with the warning that those who exceeded them would be publicized as enemies of the state. To guarantee the observance of the stated ceilings a fifteen member Committee of Inspection was appointed, with Andrews included among those named. The report bore the signature of the chairman, Robert Andrews.[56] Later in 1779 he was elected an alderman of Williamsburg.[57]

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[51] Hill, Journals of the Council of State, III, 95, 470.

[52] Swem and Williams, Register of the General Assembly, 243.

[53] Goodwin, The Colonial Church in Virginia, 246. Brydon, "The Clergy of the Established Church in Virginia and the Revolution," 19-20.

[54] Virginia Gazette (Dixon and Hunter), September 16, 1775.

Andrews and fellow-clergyman and college associate James Madison, President of William and Mary, were commissioned by the state to fix the boundary line between Virginia and Pennsylvania.[58] The state also appointed Andrews a commissioner to examine and determine the most convenient route for a canal from the Elizabeth River in Virginia to appropriate waters in North Carolina.[59] In addition, he served as private secretary to Governor Thomas Nelson in 1781.[60]

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[55] Ibid. (Dixon and Nicolson), July 17, 1779.

[56] Ibid., July 24, 1779.

[57] Ibid., December 4, 1779.

[58] McIlwaine, Journals of the Council of State, II, 324, 336; III, 59, 295, 377, 401, 421.

One other area in which the Virginia Anglican clergy made significant contributions of a political nature was the local committees of safety. During the Revolution at least twenty-four Anglican clergymen served on these local committees in twenty counties which represented approximately one-third of the total number of counties in Virginia at the time. Clergymen served as chairmen of the committees in nearly half of those twenty counties.[61]

On October 20, 1774, the First Continental Congress adopted a document entitled the "Association." In essence it was a non-importation, non-consumption, non-exportation agreement drawn up by the delegates in reference to trade with Great Britain. Paragraph eleven called for committees to be chosen in every county, city, and town to enforce the "Association."[62] The action taken by the Congress echoed similar moves instituted by the Virginia conventions the preceding spring and summer. Whereas a few local committees of safety had been formed in Virginia before the first meeting of the Congress, serious organization did not take place until after the adoption of the October 20 "Association." The following summer the July Convention appointed a state-wide Committee of Safety.[63] In short, the local committees of safety were organized upon recommendation by the First Continental Congress for the purpose of enforcing the terms of the "Association," and providing for the defense of the area.

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[59] _Ibid_., III, 420, 482, 515, 588.

[60] McIlwaine, _Letters of the Governors_, III, 68-69.

[61] Brydon, _Virginia's Mother Church_, II, 422, 434.

[62] Worthington C. Ford, ed., _Journals of the Continental Congress, 1774-1789_ (Washington: Government Printing Office, 1904), I, 79.

Some indication of the nature of the duties of clergymen who served on local committees of safety may be gleaned from extant records of several county committees. The Reverend John Hyde Saunders, rector of Southam Parish, served on the Cumberland County Committee of Safety from February to November, 1775. He regularly attended the meetings during his term and was assigned a number of duties. For example, he was appointed to a committee entrusted with the responsibility of preparing instructions to the delegates who were to represent the county at the Convention of March, 1775.[64] The Committee of Safety approved the "Association" adopted by the Continental Congress and Saunders was ordered to call upon two men who had been elected to the Committee of Safety to see if they would sign the "Association" and take their places on the Committee. If they refused he was to inquire as to the reason for such refusal and report the same to the Committee.[65] Later he was named along with several others to review a newly organized company of Minute Men.[66]

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[63] Hening, Statutes at Large, IX, 49.

[64] H. R. McIlwaine, ed., Proceedings of the Committees of Safety of Cumberland and Isle of Wight Counties, Virginia, 1775-1776 (Richmond: Davis Bottom, Superintendent of Public Printing, 1919), 7-8; reprinted in the Fifteenth Annual Report of the Library Board of the Virginia State Library, 1917-1918.

Henry John Burges, one of the thirteen clergymen who signed the Virginia "Association" in 1774, served on the Isle of Wight Committee of Safety during the following year. Burges was appointed to a committee to correspond with neighboring counties regarding the scarcity of gun powder and the means whereby sufficient quantities to guarantee the protection of the county could be secured. The committee was extended the sum of three pounds for the purchase of gun powder for use by the county.[67] Burges also served as Chairman *pro tem* of the Committee of Safety for several months.[68]

Residents of Westmoreland County met at the courthouse on June 22, 1774. The Reverend Thomas Smith, minister of

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[65] *Ibid.*, 8.

[66] *Ibid.*, 24.

[67] *Ibid.*, 47.

[68] *Ibid.*

Cople Parish, was unanimously chosen the moaderator. The purpose of the meeting was to discuss the situation then existing in the colonies and the actions taken by the late House of Burgesses. Eleven resolutions were passed which included denunciations of recent British policies toward America and especially toward the closing of the Port of Boston. The Virginia "Association" recently passed by the House of Burgesses was approved with a vow to uphold it. Delegates were appointed to represent the county at the convention scheduled for August.[69] By November a county committee of safety had been organized and was in operation.

One of the first cases in which a committee of safety took action against an individual occurred in Westmoreland County. At the meeting of November 8, 1774, the committee took under consideration the conduct of one David Wardrobe, a Scottish school teacher. In a letter written to someone in Glasgow, Wardrobe made derogatory remarks about conditions in Westmoreland County. His comments were published in a Glasgow newspaper, a copy of which found its way back to America and into the hands of certain residents of Westmoreland County. The committee of safety regarded Wardrobe's comments as "false, scandalous, and inimical to

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[69] Richard Barksdale Harwell, ed., The Committees of Safety of Westmoreland and Fincastle: Proceedings of the County Committees, 1774-1776 (Richmond: Virginia State Library, 1956), 27-31.

America." Wardrobe was summoned to appear before the committee. He did so and acknowledged he had written the letter. The committee ordered that the vestry of Cople Parish deprive Wardrobe of the use of its vestryhouse for his school. All persons who sent their children to Wardrobe's school were to withdraw them immediately and he was to be regarded as a wicked enemy of America. Furthermore, Wardrobe was ordered to write and publish letters in the newspapers expressing his regret for having traduced the people of Westmoreland County and he was ordered to appear again before the committee on the twenty-ninth of the month. Wardrobe wrote a letter as specified and signed it in the presence of a considerable number of people at the Westmoreland courthouse. He did not, however, present himself to the November 29 meeting of the committee. His actions were not acceptable to the committee and it ordered that he be publicized as an enemy of America.[70]

The Proceedings of the committee do not indicate which members were present nor who the presiding officer was. Inasmuch as Smith served as chairman both before and after the affair, there is a strong likelihood he was presiding at the time. It is improbable that an active committeeman, as was the Reverend Mr. Smith, would have played a passive role in the Wardrobe case.

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[70] *Ibid.*, 32-36.

A new committee of safety was elected in January, 1775, and it included Smith who again served as chairman. Another committee was elected in November of the same year and Smith again was a member. He was unanimously chosen the chairman and served in this capacity at least through August, 1776, at which time the extant journal of the committee ends.[71]

On February 1, 1776, Abner Waugh, rector of St. Mary's Parish, was elected to the Caroline County Committee of Safety. He only served until the following April, but in those few months he was appointed to two subcommittees which carried on the work of the county committee in specified areas within the county. Waugh was also named to a committee to dispose of donations collected in the county for use by "our Bostonian brethren."[72]

The extant journals of the Southampton County Committee of Safety cover the period from March 9, 1775 to September 20, 1776. Throughout that time the Reverend George Gurley served as a fairly active member of the committee. He was one of the original members and during his nineteen-month term of service performed a wide variety of duties. At the initial meeting, the county was divided into ten districts in order to more easily facilitate the collection of contributions for the people of Boston and the securing of signatures in support of the Continental "Association." Gurley was assigned to assist in a certain district. He was also appointed to the committee of correspondence. On several occasions Gurley was appointed to attend the meeting of the general committee of the district as an alternate. On four occasions he served as chairman _pro tem_ of the county committee. He was among several appointed to review the local militia. He also assisted in taking the county census.[73] Gurley may well have served longer than the period indicated, but manuscripts of the proceedings of the committee are incomplete and therefore his exact term of service remains unknown.

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[71] Ibid., 16, 38, 39, 43, 45, 49, 51, 53, 55, 56.

[72] H. R. McIlwaine, ed., "Proceedings of the Committees of Safety of Caroline and Southampton Counties, Virginia, 1774-1776," Bulletin of the Virginia State Library, XVII (1928-1930), 136, 137, 139.

Revolution requires not only a political but also a moral decision and in this area David Griffith performed a significant service. New York-born Griffith enjoyed an active and distinguished career in Virginia's established church. From 1771 to 1776 he served as rector of Shelburne Parish in Loudoun County. He served Fairfax Parish in the same capacity between 1780 and 1789. He signed the Association of 1774 and during the war served as surgeon and chaplain to the Third Virginia Regiment. He was elected the first Bishop of Virginia in 1786, but the church at the time was experiencing financial difficulties and was unable to raise sufficient funds to send Griffith to England for consecration. Consequently, he resigned his election but continued to represent Virginia in several general conventions of the Protestant Episcopal Church. He died in 1789 at the age of forty-seven while attending a general convention of the church in Philadelphia.[74]

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[73] _Ibid._, 141, 142, 144, 145, 148, 149, 150, 151, 154, 156.

The December, 1775, convention meeting in Williamsburg invited Griffith to deliver a sermon before its members on the last day of the year. He responded with a discourse entitled "Passive Obedience Considered." Using Romans 13:1,2[75] as his text, Griffith contended that God's purpose in the appointment of temporal rulers was the advancement of man's general happiness. There can be no doubt that God requires his people to obey all laws that are equitable and that he expects them to be in subjection to magistrates and rulers so long as their commands do not contradict his own. But blind obedience even to despots as some maintain is not required. The purposes of God are not best promoted by despotism. In such cases man has a right to dissent.[76]

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[74] Meade, Old Churches, Ministers and Families of Virginia, II, 262-267. Goodwin, The Colonial Church in Virginia, 275. McIlwaine, Journals of the Council of State, II, 437.

[75] "Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God."

A miserable state exists when rulers ignore the virtues of humanity and justice and trample upon the rights of their subjects under the guise that they are the anointed of God. Princes and rulers need to be taught,

> . . . that no character, however dignified, can give sanction to inhumanity and oppression; that justice and benevolence are principles of universal obligation; that a mutual obligation subsists between the governed and their rulers; that the happiness of mankind is the end of their appointment; and that the uprightness of their conduct will be their best security for the favour of Heaven and the obedience of their subjects.[77]

In Griffith's judgment, God surely will not be displeased with his creatures for disregarding unjust laws. But the words of St. Paul in Romans 13:1,2 seem to enjoin the Christian to practice the doctrine of passive obedience. Griffith, however, through an examination of Paul's actions as recorded in the New Testament sought to prove that the Apostle himself did not observe such a practice and therefore did not advocate it in the scriptural text mentioned. Paul assuredly paid scrupulous obedience to every just law, but he never intended to imply that Christians were obliged to render passive obedience to every dictate of power regardless of its injustice and oppressiveness.

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[76] David Griffith, *Passive Obedience Considered: in a Sermon preached at Williamsburg, December 31st, 1775* (Williamsburg: Alexander Purdie, [1776]), *passim*; reprinted in the *Historical Magazine of the Protestant Episcopal Church*, XVII (1948), 183-199; with an introduction by George MacLaren Brydon.

[77] *Ibid.*, 191-192.

The preacher not only denied the obligation of passive obedience to unjust laws, but positively asserted, "If the example of apostles should have any influence over us, doubtless no obedience is due, from Christians, to the impious and unlawful commands of their superiours."[78] And if opposition to unjust laws is justifiable, yea even a necessary duty, where rulers exercise absolute power over their subjects,

> . . . how much more justifiable is resistance in a limited monarchy, where the people have an equal share of the powers that be; that power which is ordained of God; the power of legislation? The free exercise of which is the only security that can be found against oppression and injustice.[79]

In order to determine the degree of obedience required, it must be known into whose hands the constitution of the country has placed power. The constitution of England provides that the people participate in the legislative functions of the government by means of the House of Commons, the representatives of which are chosen by the people themselves. The people are accountable to no laws except those to which they assent through their representatives. No earthly power can lawfully deprive the people of this right to participate in the formulation of the laws which are to govern them.

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[78] *Ibid.*, 195.

[79] *Ibid.*

Paul stated that "The powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God," and Griffith affirmed the truth of this statement with the comment that,

> . . . it does not appear that, in the present contest between Great Britain and her colonies, the colonists are resisting a power ordained of God, a power to whom they owe obedience, an authority they are subjected to by the constitution of their country. The dispute, as I conceive, is, whether the king's subjects in America, their lives and property, are at the ABSOLUTE DISPOSAL of the king and his subjects in England? Whether the legislature of Great Britain has a right to make laws, binding on America, IN ALL CASES WHATSOEVER?[80]

The colonists, he continued, regard themselves equal with their fellow subjects in Britain and therefore are entitled to the same constitutional rights as those in England. Colonial opposition to an abridgment of their rights and to the imposition of unjust laws cannot be construed as a violation of the Pauline precept enunciated in the thirteenth chapter of Romans.

If the colonists were attempting to subvert the constitution, abolish the monarchy, or curtail the prerogative of the crown, they could justifiably be regarded as resisting the ordinances of God, but they were not. Their petitions and remonstances to the King and legislature of Great Britain merely sought a confirmation of former privileges and liberties. Griffith concluded with an appeal to "remove every impediment from the progress of truth and justice, to espouse the cause of humanity and the common right of mankind."[81]

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[80] _Ibid_., 196.

Griffith had provided the delegates with a moral rationale for rebellion. He had Christianized Locke and declared that opposition to Great Britain was not only free from moral consequence, but just the opposite, it was a moral obligation. The reaction of the delegates was revealed by their resolution which conveyed the thanks of the convention to Griffith with the order that his sermon be printed and distributed at public expense.[82]

During the Revolution there were more Anglican clergymen engaged in political activities than at any other time in the history of Virginia. Still the number was very small in comparison with the total number of Burgesses, Delegates and other political figures functioning in the state at the time. Each clergyman who did serve in some political capacity seems to have done so out of a patriotic desire to contribute to the furtherance of the colonial cause in Virginia. There is no evidence that such clergymen, either as individuals or as a group, sought to improve their lot as clergymen or to gain special consideration for their church.

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[81] _Ibid_., 198.

[82] _Proceedings of the Convention of Delegates . . . 1st of December, 1775_, 50, 53, 67.

CHAPTER VII

THE END OF AN ERA

The disestablishment of the Anglican Church in Virginia in 1786 marked the end of an era. For over one hundred and seventy-five years it had been the official state church of the Old Dominion. By the final quarter of the eighteenth century it had become an anachronism. Its demise resulted from the rise of a new spirit in which the desire for freedom and self-determination pervaded not only the political realm but the religious as well.

Several factors combined to bring about the downfall of the established church. By the time of the Revolution an important transition was taking place in the colonial mind. Americans were experiencing their own Age of Enlightenment. Rationalism mixed with more than a century and a half of colonial experience produced an American nationalism which included a rejection by many of theological authoritarianism. In Virginia, Jefferson was perhaps the best example of this new school of thought.[1]

A second major factor was the political revolution itself. The colonists believed that England had violated their constitutional rights and was seeking to place them under a political and economic yoke of bondage. This they corrected by a war of rebellion in which all vestiges of English control and authority were shaken off. The established church which, of course, was the Church of England transplanted in Virginia, represented a symbol of English domination and, therefore, it too must be destroyed.

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[1] Russel Blaine Nye, The Cultural Life of the New Nation, 1776-1830 (New York: Harper & Row, 1960), 3-5.

The rapid rise of sectarian groups proved to be a third major factor leading to the disestablishment of the church. The Great Awakening had caused these groups to make substantial headway among Virginians and had even produced an upheaval within the establishment by means of the Methodist movement. The successes enjoyed by the sectarians made them bold in their demands for religious toleration at first and then later for full religious freedom. This combination of enlightenment ideas, political fomentation, and the effects of the Great Awakening generated a widespread belief in the necessity of the separation of church and state.

The disqualification of clergymen from holding certain public offices by legislation was merely a step in the effectuation of such a separation. On May 10, 1776, the Continental Congress adopted a resolution advising the colonies to provide themselves with permanent constitutions suited to the new conditions then prevailing.[2] All of the states, with the exception of Connecticut and Rhode Island which continued under earlier charters, drew up new constitutions. Seven contained specific clauses prohibiting clergymen from holding public offices in the state governments: New York, Delaware, Maryland, North Carolina, South Carolina, Georgia, and Virginia.[3] The Anglican Church was established in all of these states with the exception of Delaware and parts of New York. In the areas where the Church of England had been established the opinion prevailed that the separation of church and state necessitated the disfranchisement from officeholding by the clergy. This disqualification was not aimed solely at the clergy of the established church but also included ministers of all denominations.

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[2] Ford, Journals of the Continental Congress, IV, 342.

The Continental Congress did not share the view that clergymen should be excluded from public service and upon occasion even commended clergymen for their political insights. Late in 1775, Congress advised North Carolina to hire two ministers of the gospel (denomination unspecified) to explain to the people of the backcountry the nature of the relationship between England and the colonies.[4]

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[3] Benjamin Perley Poore, comp., The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States (Washington: Government Printing Office, 1877), Parts I and II, *passim*.

[4] Ford, Journals of the Continental Congress, III, 388.

Only once was the question of clerical eligibility to hold public office discussed in the Continental Congress. On July 25, 1778, the Board of Treasury recommended that certain persons, including one of an ecclesiastical character, be nominated as inspectors of the presses for printing bills of credit, bills of exchange, and loan-office certificates. Whereupon a motion was made that the opinion of the House be taken to determine if it was proper for Congress to appoint any person of an ecclesiastical character to any civil office under the United States. The Journal is not clear regarding the fate of the motion, but it appears that it died for lack of a second.[5]

Nevertheless, the anti-clerical sentiment prevailed in Virginia. The convention which met in Richmond on July 17, 1775, adopted an "Ordinance for regulating the election of delegates." This ordinance contained a clause which stated that "all clergymen of the church of England, and all dissenting ministers or teachers, shall be incapable of being elected as a delegate, or sitting and voting in convention."[6] The following year a similar clause was written into the permanent constitution, to wit, ". . . all ministers of the Gospel of every denomination, [shall] be incapable of being elected members of either House of assembly, or the Privy Council."[7]

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[5] Ibid., IX, 717-718.

[6] Hening, Statutes at Large, IX, 57.

The House of Burgesses had traditionally excluded clergymen from its membership. Under the new constitution they were also excluded from the Senate and the Privy Council. Under the old system the leading Anglican clergyman in the colony, the Commissary, occupied a seat on the Governor's Council and thereby represented the established church in the colonial government. The delegates to the 1776 convention had no intention of restoring that practice.

Inasmuch as there are no extant records of the committee which drew up the constitution it is impossible to determine who was responsible for the inclusion of the clause. A number of prominent Virginians who were instrumental in drawing up the state constitution definitely did not have such a clause in the documents they submitted for consideration. Jefferson, for example, although in attendance at the Continental Congress submitted a draft of a constitution which he had authored. It contained no clerical exclusion clause.[8] Carter Braxton addressed the convention by means of a pamphlet in which he suggested a form of government, but it too lacked the restriction.[9] George Mason also omitted such a clause in his draft of the constitution,[10] nor did his plan after revision by a committee include the restriction.[11] But the clause still appeared in the final form of the constitution as adopted by the convention. Julian P. Boyd, in his edition of the Jefferson papers, indicated that the words "and all Ministers of the Gospel of every denomination" were added to the text in the handwriting of John Tazewell, clerk of the convention.[12]

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[7] Ibid., 117.

[8] Boyd, Papers of Thomas Jefferson, I, 337-365.

[9] An Address to the Convention of the Colony and Ancient Dominion of Virginia; on the Subject of Government in

The exclusion clause was contained in the paragraph which provided for the creation of the state judiciary. These officials, all others holding lucrative positions, and all ministers of the gospel of every denomination were declared incapable of being elected to either house or the privy council.[13] This disfranchisement of the clergy was the product of a move to prevent dual officeholding.

According to Boyd, this paragraph had been amended by the convention in order to conform to the judicial system

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General and Recommending a Particular Form to Their Consideration. By a Native of the Colony (Philadelphia: John Dunlap, 1776), passim; in Early American Imprints, No. 14669. The pamphlet does not bear the author's name, but it is generally attributed to Braxton. Cf., Boyd, Papers of Thomas Jefferson, I, 334-335.

[10] Kate Mason Rowland, The Life of George Mason (New York: G. P. Putnam's Sons, 1892), I, 444-447.

[11] Boyd, Papers of Thomas Jefferson, I, 369-372.

[12] Ibid., 385.

[13] Hening, Statutes at Large, IX, 117.

proposed by Jefferson.[14] The clerical exclusion clause, however, was not part of Jefferson's plan and the evidence indicates that it was added at the last minute to a paragraph which was amended by the convention as a whole. The circumstances and individuals responsible for this late addition remain anonymous.

Within a decade, Jefferson had changed his mind. In anticipation that the General Assembly would call a convention in 1783 to draw up a new state constitution, he submitted a "Draught of a Fundamental Constitution for the Commonwealth of Virginia." It contained a clerical exclusion clause.[15] Not everyone agreed with the justice and necessity of placing the political restriction upon the clergy. Opposition came from no less a figure than James Madison. In commenting on the Jefferson draft he stated,

> Does not the exclusion of Ministers of the Gospel as such violate a fundamental principle of liberty by punishing a religious profession with the privation of a civil right? does it [not] violate another article of the plan itself which exempts religion from the cognizance of Civil power? does it not violate justice by at once taking away a right and prohibiting a compensation for it? does it not in fine violate impartiality by shutting the door against the Ministers of one Religion and leaving it open for those of every other?[16]

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[14] Boyd, Papers of Thomas Jefferson, I, 385.

[15] Thomas Jefferson, Notes on the State of Virginia, ed. William Peden (Chapel Hill: University of North Carolina Press, 1955), 213.

[16] Gaillard Hunt, ed., The Writings of James Madison (New York: G. P. Putnam's Sons, 1904), V, 288.

By 1800 Jefferson had reversed himself again and opposed clerical exclusion. He explained why he had changed his mind in a letter to a prominent Virginia Baptist minister, Jeremiah Moor. He acknowledged that seventeen years earlier he had approved the disqualification of ministers from holding public office citing as his reason the belief that clergymen "by getting themselves established by law, & ingrafted into the machine of government, have been a very formidable engine against the civil and religious rights of man." This fear of clerical interference, although prevalent in 1783, was now passed because the clergy had relinquished its assumption of privilege and was content to be on equal footing with lawyers, physicians, etc. and therefore ought to possess the same rights.[17]

In 1826 the problem of clerical exclusion again confronted the state legislature when Humphrey Billups was elected to the House of Delegates by Mathews County. The Billups case required special attention because he was not an ordained minister. He held the office of Deacon in the Methodist Church and was qualified to preach and perform other ecclesiastical functions within the denomination.[18]

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[17] Thomas Jefferson to Jeremiah Moor, August 14, 1800. Paul L. Ford, ed., The Works of Thomas Jefferson (New York: G. P. Putnam's Sons, 1905), IX, 142-144.

[18] At this time the Methodist Church had Travelling Deacons. The holders of this office were authorized to preach, baptize, marry, and assist in the administration of the

In dealing with the situation the Committee of Privileges and Elections drew up a statement in which they expressed what they believed to be the reasons for the adoption of the clerical exclusion clause in 1776; it read,

> It is certain that our civil rights have no dependence on our religious opinions, and it is also certain, that our ancestors knowing this, intended to keep separate Church and State. No mode was calculated more certainly to effect this object, than by denying a participation in the civil government, to all those, whose high and influential stations gave them an opportunity by preaching, of working upon and inflaming the minds of their sect, and bringing with them into the councils of the nation, all the prejudices which might be engendered under circumstances of high sectarian feeling in Church matters. Should the advocates and orators of two distinct sects obtain possession of our Legislative Hall, the wants of the great body of the people would soon be merged in the agitation of theological subjects, and when victory gave the palm to one or the other, "the presumption of such ecclesiastical legislators and rulers, though themselves fallible and uninspired men, would assume dominion over the faith of others, setting up their own opinions and mode of thinking as the only true and infallible; and as such, would endeavor to impose them on the country. We should be compelled to furnish contributions of money for the propagation of opinions in which we did not believe, and forced to support a teacher of a particular religious persuasion, instead of the comfortable liberty of contributing to a pastor, whose morals we would make our pattern, and whose powers we felt most persuasive to righteousness." History has developed the very deplorable consequences of religious enthusiasm, especially when allowed to meddle in matters of State, producing anarchy and confusion in council, and an unsparing hand in the hour of battle. It is no less true that this unbridled excitement has not been the result of an influence exercised by the higher grade of ministers or preachers, but by its demagogues. Preachers who address themselves to the fears, prejudices and passions of their congregations,

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Lord's Supper. The Doctrines and Discipline of the Methodist Episcopal Church (New York: J. Emory and B. Waugh, 1829), 31-33.

> instead of applying reason and sound gospel doctrine to the understanding of the people, create more error, and consequently more mischief to society, than those in the higher grades of ministry, whose intelligence and learning teach them moderation and discretion.[19]

In the opinion of the committee Billups was a minister of the gospel in the true spirit and intent of the clerical clause in the constitution and therefore not entitled to a seat in the legislature. The opinion was put in the form of a resolution and the House passed it by a vote of one hundred and seventy-nine to two.[20] Billups was reelected to the legislature in 1829. Another investigation was conducted and the same conclusion was reached. He was denied a seat for the second time.[21] Although Jefferson saw no need for clerical disqualification by the end of the century, the House in the late 1820's did not agree. The clause remained in the Virginia constitutions of 1830, 1851, and 1861 but was finally removed by the constitutional convention of 1867-68.[22]

The disestablishment of the Anglican Church in Virginia comprised an indispensable step in the separation of church and state. This topic has been competently examined[23] and only those aspects directly related to the subject of this study will be considered here.

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[19] Journal of the House of Delegates of Virginia (Richmond: Thomas Ritchie, 1826), 132. December session, 1826.

[20] Ibid., 132-133.

[21] Journal of the House of Delegates of Virginia (Richmond: Thomas Ritchie, 1829), 60-61, 70-72. December session, 1829.

[22] Swem, "Disqualification of Ministers," 76.

In addition to a new state constitution, the May, 1776 Convention also adopted "A Declaration of Rights." The last of the sixteen articles stated that the exercise of religion could be determined only by reason and conviction and not by force or violence. Consequently, "all men are equally entitled to the free exercise of religion, according to the dictates of conscience."[24] This final article provided the impetus for the move to disestablish the Church.

The newly created House of Delegates convened for the first time in October and was flooded with petitions from the dissenting groups demanding full religious freedom and the disestablishment of the Anglican Church. The whole religious question was hotly debated in the House with Jefferson, a member of the Committee on Religion, in support of disestablishment.[25] A few petitions were sent to the House in favor of continuing the establishment, but on the whole support in that direction was meagre.[26]

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[23] See especially Eckenrode, The Separation of Church and State in Virginia, and Brydon, Virginia's Mother Church, II.

[24] Hening, Statutes at Large, IX, 111-112.

[25] Boyd, Papers of Thomas Jefferson, I, 525-531.

[26] Eckenrode and Brydon disagreed on the nature of the

On November 19, 1776, the House of Delegates formed itself into a committee of the whole for the purpose of discussing the religious question. Six resolutions were adopted which in effect disestablished the Anglican Church and a committee was appointed to draw up a bill in conformity with the resolutions.[27] After further discussion and amendment a bill was passed but it was weaker than the six resolutions. The new law entitled "An act for exempting the different societies of Dissenters from contributing to the support and maintenance of the church as by law established, and its ministers, and for other purposes therein mentioned" voided past parliamentary laws which ordered punishment for religious dissent and exempted dissenters from paying taxes for the support of the church. The vestries were ordered to continue collecting tithes until sufficient funds were gathered to meet parish obligations concerning the repair and construction of churches and glebes which had been entered into before the passage of the act. All arrears in clerical salaries were to be paid through January 1,

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support for the established church. Eckenrode claimed that a large part of the people favored it; whereas, Brydon maintained that there was widespread belief among Anglicans themselves that no establishment should exist. Eckenrode, Separation of Church and State in Virginia, 47; Brydon, Virginia's Mother Church, II, 399.

[27] Journal of the House of Delegates of Virginia. Anno Domini 1776 (Williamsburg: Alexander Purdie, [1776]), 85; in Early American Imprints, No. 15204.

1777. The sixth article was of great import; it temporarily suspended the levy for the support of the established clergy.[28] Thus the 1748 law which set clerical salaries at sixteen thousand pounds of tobacco was set aside for the time being but not repealed.

In Eckenrode's judgment this act destroyed the establishment. Although many dates have been given for the end of the church, it really came on January 1, 1777. After that date no taxes for religious purposes were ever again collected in Virginia. Eckenrode admitted, however, that at the time the above date was not recognized as the demise of the church.[29] The church was technically still established, but giant steps toward disestablishment had been taken.

Both sessions of the 1777 and 1778 General Assemblies continued the suspension of clerical salaries,[30] but due to the instability and hardships of the times no further legislation was enacted toward disestablishment. Despite this legislative lull in 1777 and 1778 the whole religious issue was still vigorously discussed in the Assembly and petitions continued to flow into the House. The delay provided additional time for both the people and the legislators to consider the whole matter and allow emotions to subside. Furthermore, the outcome of the Revolution was still in doubt and if the fortunes of war should go against the colonies, then a hasty disestablishment of the Anglican Church would place Virginia in a bad light in the eyes of the British government.

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[28] Hening, Statutes at Large, IX, 164-167.

[29] Eckenrode, Separation of Church and State, 53.

[30] Hening, Statutes at Large, IX, 312, 387-388, 469, 578-579.

By 1779 the condition of the established church was rapidly deteriorating. The salaries of Anglican ministers had been suspended by law for more than two years and the spread of the democratic spirit had caused the rise of opposition to the old self-perpetuating vestries. Many petitions were sent to the House requesting the dissolution of vestries. The General Assembly responded favorably by ordering the dissolution of numerous vestries for a variety of reasons. For example, in 1777, the Assembly ordered the vestry of Newport Parish, in the county of Isle of Wight, to dissolve on the grounds that it had not been elected by the "freeholders and housekeepers thereof." Instructions were given to conduct a new election.[31] Later in the year a similar order was given to the vestry of Christ Church in Lancaster County on the ground that only four of the vestrymen had been elected by the "freeholders and housekeepers thereof."[32] In the following years the General Assembly continued to dissolve parishes for the same reason.[33]

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[31] Ibid., 317-318.

[32] Ibid., 439.

In times past the vestry had been a very important, if not dominant, instrument in local government. Frequently the vestry exercised political and civil power to such an extent that its members sought to insure their control through the practice of self-perpetuation. An indication of the breakdown of the established church on the vestry level is seen in the various orders issued by the General Assembly for the dissolution of vestries because of the death or resignation of its members and in some cases because of negligence of duty.[34] The vestry was rapidly losing its importance and influence in the civil affairs of Virginia.

The discontinuance of taxation for religious purposes placed an extremely heavy financial burden upon the vestries and made it virtually impossible for many of them to continue the performance of their civil duties, especially the care of the poor. In two separate acts the General Assembly dissolved the vestries in twelve counties and ordered the election of a new body known as the Overseers of the Poor to assume the civil duties formerly conducted by the vestries and churchwardens. All money and tobacco levied or disbursed by the vestry were to be turned over to the

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[33] Ibid., X, 366; XI, 130, 279, 537-538.

[34] Ibid., IX, 442; XI, 73-74.

Overseers. One of the acts ordered that all suits in which the vestry or the churchwardens were the plaintiffs were to be continued with the Overseers acting as the plaintiff until a legal decision had been reached. Furthermore, in cases where the vestry or churchwardens were being sued for breach of duty or neglect, the suits were to be continued with the vestry and church wardens liable as if the act had not been passed.[35]

The trend toward disestablishment continued. After renewing the suspension of clerical salaries in the spring of 1779,[36] the General Assembly at the fall session finally repealed all acts providing salaries for ministers and those authorizing vestries to collect the same. The repeal, of course, included the all-important salary act of 1748.[37]

The spread of the democratic spirit, the collapse of the established church, and the continual growth of dissent caused Jefferson to regard 1779 as a propitious time to seek institution of full religious freedom. Although no longer a member of the House, due to his election to the governorship, he continued to exercise considerable influence among the delegates. On June 4, the House ordered that a bill for religious freedom should be introduced and appointed John Harvie, George Mason, and Jerman Baker to prepare it. Jefferson's bill was introduced by Harvie on June 12 and passed the second reading on the fourteenth, but the third reading was postponed until August 1 which was well past the time for adjournment and therefore the bill was killed for that session. Attempts were made to revive it at the next session but they too failed.[38]

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[35] Ibid., X, 288-290; XI, 62-63.

[36] Ibid., X, 111.

[37] Ibid., 197-198.

Jefferson's ideas for the establishment of religious freedom were still a little ahead of the times. Whereas conservative feelings regarding the established church were on the wane, they had not yet diminished to the point where Jefferson's bill was acceptable. The proposed bill was short and began with a statement that man's beliefs cannot be determined by law; to do so simply breeds hypocrisy. Jefferson then warned of the latent evils connected with clerical participation in politics. So forceful and succinct was his statement that the report of the committee regarding the Billups case in 1826-1827 was based almost entirely upon it and included a long quotation from it.[39]

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[38] Journal of the House of Delegates of Virginia. Anno Domini 1779 (Williamsburg: John Clarkson and Augustine Davis, [1779]), 41, 50-53. May session 1779; in Early American Imprints, No. 16659. Boyd, Papers of Thomas Jefferson, II, 547-548. Eckenrode, Separation of Church and State, 56-57.

[39] Cf., pp. 218-219 (this chapter). The text within the quotation marks is essentially Jefferson's, but there is some modification.

Jefferson continued with a warning that neither should civil government participate in religion. Religion was basically a matter of opinion and,

> . . . the opinions of men are not the object of civil government, nor under its jurisdiction; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty.[40]

The bill concluded with the proposal that full religious freedom be extended to all people and that "their opinions in matters of religion . . . shall in no wise diminish, enlarge, or affect their civil capacities."[41]

Jefferson was guilty temporarily of an inconsistency in his beliefs. On the one hand, he acknowledged that all men had the right to profess freely their opinions in matters of religion without danger of curtailment of their civil capacities. Yet on the other hand, he supported the disqualification of clergymen from holding certain public offices, which surely constituted a curtailment of their civil capacities. This inconsistency, however, was eliminated when he changed his mind on the matter of clerical exclusion.

A letter written on August 1, 1780, by the Reverend James Madison, President of William and Mary, to Ezra

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[40] "A Bill for Establishing Religious Freedom," in Boyd, Papers of Thomas Jefferson, II, 546. For the complete bill see 545-547.

[41] *Ibid.*, 546.

Stiles, President of Yale, provides an insight into the situation then existing in Virginia. The letter was a brief historical sketch of the college with comments about its financial condition and a description of recent changes in the curriculum. Madison explained that the professorship of divinity had been abolished. It had originally been instituted to serve the established church, "but it is now thought that Establishments it Favr of any particular Sect are incompatible with ye Freedom of a Republic."[42]

The church was suffering in all areas: the salaries of its ministers had been cut off, its vestries were being dissolved, and its college was being secularized. Its condition continued to worsen in the years immediately following. The end of the war brought renewed demands for the settlement of the religious question and the breaking point was finally reached in 1784.

Early in June members of the Anglican clergy held a convention in Richmond. They drew up a petition and presented it to the House of Delegates on June 4.[43] The petitioners claimed that the outcome of the Revolution and consequent separation from England necessitated alterations in the government and liturgy of the church. They requested that all laws governing the church be repealed and that by an act of incorporation the clergy of the Protestant Episcopal Church in Virginia be authorized to regulate all spiritual concerns of the church. An additional request was made that vestries be relieved from the responsibility of caring for the poor and that in the future vestries be chosen from among and by such persons only as are members of the Episcopal Church. the petitioners also desired an act which would secure to the church perpetual title to all churches, glebes, and other property belonging to the old establishment. The final paragraph recommended to the General Assembly the patronage and care of the Christian Religion.[44]

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[42] Franklin B. Dexter, ed., The Literary Diary of Ezra Stiles (New York: Charles Scribner's Sons, 1901), II, 447.

[43] Journal of the House of Delegates ([Richmond: Nicolson and Prentis, 1784]), 48. May session, 1784; in Early American Imprints, No. 18860.

The Committee on Religion reported on the petition and recommended three resolutions which in essence granted the requests made by the Anglican clergymen. The House ordered a bill drawn up to this effect. The bill was presented on June 16, 1784, and passed the first two readings. The House sitting as a committee of the whole debated the bill on the twenty-fifth but deferred final action until the next session of the Assembly.[45] The matter was taken up again by the House and after communicating with the Senate, both bodies agreed upon the content of the bill and it was passed on December 28, 1784.[46]

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[44] The full petition is reprinted in Brydon, Virginia's Mother Church, II, 591-593.

[45] Journal of the House of Delegates, May session, 1784, 48, 58, 79, 108.

Although the church had been disestablished, the incorporation of its successor, the Protestant Episcopal Church, by the General Assembly meant that complete separation of church and state had not yet been effected. Throughout 1785-1786, the House was deluged with petitions demanding the repeal of the incorporation act on the grounds that it still constituted a very real bond between the church and the government and thereby gave the Episcopal Church a preferential advantage over the other denominations. An especially obnoxious feature of the act was the provision permitting the church to retain all of its property. The church had acquired its property during its establishment by means of legislation and therefore it was really public property. This idea began a move in 1787 for the confiscation of the property of the Protestant Episcopal Church which, by the turn of the century, culminated in the seizure and sale of the glebes.[47]

The passage by the General Assembly, early in 1786 of Jefferson's bill establishing religious freedom in Virginia[48] provided additional incentive to those demanding the repeal of the incorporation act. The matter was brought to a conclusion during the October, 1786, session of the House. On December 5, a memorial from the Protestant Episcopal Church was read before the House urging it not to yield to petitions demanding the sale of the glebes. The House sitting as a committee of the whole took the matter under consideration. As a result of the deliberations, three resolutions were presented to the House. The first recommended that an act be passed empowering all religious groups to hold the property then in their possession and to acquire additional property. The second resolution called for the repeal of all acts of Parliament or of the General Assembly which prohibited religious bodies from regulating their own government and that it be declared that all religious bodies have full power to govern themselves. The final resolution recommended the repeal of the act incorporating the Protestant Episcopal Church. The House ordered that a bill be prepared to effect the above resolutions. On December 23, the bill was brought in and passed its first and second readings. Ironically, the same person who presented the resolutions also presented the bill to the House, former Anglican clergyman, Charles Mynn Thruston.[49] Early in January the bill passed both the House and the Senate and with it came the end of an era.[50]

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[46] Journal of the House of Delegates ([Richmond: Nicolson and Prentis, 1785]), 79, 86. October session, 1785; in Early American Imprints, No. 19353. Hening, Statutes at Large, XI, 532-537.

[47] Eckenrode, Separation of Church and State, 116-155.

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[48] Hening, Statutes at Large, XII, 84-86. Boyd, Papers of Thomas Jefferson, II, ~~548-549~~.

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[49] The previous December, Thruston had voted in favor of the bill establishing religious freedom. It passed by a vote of 74-20. *Journal of the House of Delegates of Virginia* ([Richmond: John Dunlap and James Hayes, 1786]), 94. October session, 1785; in *Early American Imprints*, No. 20106.

[50] *Journal of the House of Delegates of the Commonwealth of Virginia* (Richmond: Dixon and Holt, [1787]), 88, 121, 142, 148, 149, 151. October session, 1786; in *Early American Imprints*, No. 20840. Originally the bill was referred to as a bill to empower certain societies to hold land. At its third reading on January 6, 1787, the title was changed to "An act to repeal the act for incorporating the Protestant Episcopal Church and for other purposes." *Ibid.*, 142. Hening, *Statutes at Large*, XII, 266-267.

CHAPTER VIII

CONCLUSION

The establishment of the Anglican Church in Virginia by law rendered it a politico-ecclesiastical institution. It was the transplanted church of the mother country and governmental and religious forces on both sides of the ocean desired that it conform as nearly as possible to the Church of England. This was clearly evident from the policies employed by the Virginia Company, the instructions and commissions issued to the royal Governors, and the legislation passed by the colonial legislature. But complete conformity was not possible. The Church of England existed in an environment which had been settled for centuries, whereas the colonial church was required to establish its existence in harsh and hostile surroundings. In England, the customs and practices of the church had been developed over many years; the church possessed a hierarchy and the duties of the clergy and the laity were fairly well defined. These were characteristics which were not easily exportable over three thousand miles of water.

Its relative isolation from the mother church necessitated some modification of the church in Virginia. The most important element missing from the Virginia church was the bishopric. And yet this was an indispensable part of the Church of England. The absence of episcopal leadership and authority proved to be an insurmountable handicap to the church in Virginia. To compensate for this deficiency some of the powers of the episcopate were transferred to the royal Governors and the colonial legislature, thus the laity played a greater role in the colonial church than in the church in England.

The lack of a Virginia bishop also raised the question of who had what authority over the colonial churches. At first the Archbishop of Canterbury exercised authority over these churches because he was the primate of the Church of England. Gradually this authority was transferred to the Bishop of London. Still this did not place episcopal authority in the colony itself. The appointment of James Blair as Commissary of Virginia in 1689 provided a partial solution to the problem, but it also created new problems. As the personal representative of the Bishop of London, the Commissary was to serve as the head of the colonial church and yet certain episcopal powers had been delegated to the Governor. During Blair's administration this conflict of power resulted in controversies with several colonial Governors. Thus the church, through its Commissary who was a member of the Governor's Council, became involved in the political affairs of the colony.

The powers of the Commissary were not clearly defined. This was due to the fact that the Bishop of London himself was not certain of the extent of his own powers over the colonial church. Before the establishment of the commissaryship, the Governor and the colonial legislature exercised authority over the church and delegated to themselves the power to discipline the clergy even to the point of removing them from office, a power which, in England, only a bishop could exercise. When the commissaryship was established, colonial officials gladly passed the touchy matter of clerical discipline to the Commissary. But even this did not solve the problem. The legal authority by which a Commissary could discipline the clergy was tenuous, due again to the indefinite authority of the Bishop of London in the colonies. In 1728, Edmund Gibson, who served as the Bishop of London from 1725 to 1748, managed to secure a commission from the crown which spelled out in greater detail his authority over the colonial churches. But by this time the aging Commissary Blair had lost interest in the condition of the colonial clergy and made little attempt to enforce clerical discipline, even though he had finally been granted full authority to do so. But during the nearly forty years before the Gibson commission, Commissary Blair had been reluctant to exercise clerical discipline due to the great difficulty in replacing ministers. Throughout the entire period from the time Blair took office as Commissary to Gibson's appointment to the See of London, Blair actually suspended only two ministers. There were two others whom he desired to bring to trial but apparently did not and one who was convicted of gross misconduct and dismissed.

The Gibson commission expired with the death of the Bishop in 1748 and was not renewed. Consequently the colonial church was again faced with the problem of clerical discipline. As in the Brunskill case, the Governor and Council acted as an ecclesiastical court and removed the errant clergyman from his parish. There were a few other cases in which the colonial government took action against erring clergymen, but none reached the stage where the minister was removed from his parish. In one case the defendant acknowledged the charges against him and resigned his parish. In two other cases the defendants died before the conclusion of their trials and in still another case legal technicalities caused failure to reach a decision. Thus due to the lack of the necessary authority on the part of the Commissary, the political officials of the colony were forced to act on matters of clerical discipline.

Throughout practically the entire colonial period the Virginia legislature acted as the governing body of the established church. The lawmakers passed a wide variety of legislation affecting the church. Thus the church was, in effect, governed by the laity. The vestry also played a greater role in Virginia than did its counterpart in England. Through the practice of self-perpetuation the vestry became a formidable institution in local ecclesiastical and political affairs. The vestries adopted a device whereby they could protect themselves from being permanently saddled with an unwanted clergyman. They employed their ministers on a year by year basis. Whenever they desired to remove a clergyman, they simply refused to renew his yearly contract. But the laws of the Church of England required that ministers be inducted into their parishes. The refusal of the vestries to present ministers for induction resulted in still another politico-ecclesiastical clash, this time between the Governor and Commissary and the vestries.

The political role of the Anglican clergy varied from time to time. While the colony was still under the control of the Virginia Company, three clergymen served on the Governor's Council. After the dissolution of the company in 1624, no clergyman served on the Council until the appointment of Commissary Blair seventy years later. During that time the clergy engaged only rarely in Virginia politics. There were two instances in the seventeenth century in which clergymen were elected to the House of Burgesses, one in 1653 and the other in 1699. In both cases the House refused to seat the ministers. The main reason seems to have been that it was simply traditional in England that clergymen did not sit in the House of Commons.

The most important single political figure among the Virginia clergy was Commissary Blair. He held office for fifty-four years. For forty-nine years he was a member of the Council except for two brief interludes of suspension.

In some respects Blair was more of a politician than he was a churchman. His political power and influence were demonstrated by his ability to engineer the removal of three Virginia Governors. During his long career he involved the colonial church in a number of semi-political controversies. At the end of his career, even Blair himself served as *interim* Governor for ten months. Although Blair was a man of considerable political power and involved himself deeply in the political affairs of the colony, he was only one individual and does not represent a widespread participation in colonial politics by the clergy.

Between the time of his death in 1743 and the Revolution, Blair was succeeded in the office of Commissary by five men, four of whom served on the Governor's Council. During this period the power of the Commissary waned, but such issues as the Parson's Cause and the attempt to establish an American episcopate involved more clergymen in the political life of the colony. By the time of the Revolution the Anglican Church in Virginia had become an indigenous institution with the result that at the outbreak of hostilities with England most clergymen of the established church cast their lot with the colonial cause and many demonstrated their support by engaging in various political or semipolitical activities.

The Revolution, along with the rise of dissenting groups and the spread of a general liberal sentiment throughout the colony, gave birth to a movement advocating the separation of church and state. This was indicated in part by the inclusion in the new state constitution of a clause disqualifying clergymen of all denominations from holding certain public offices, most notably seats in the legislature. This action was prompted more by the spirit of separation of church and state than by any genuine fear of the political power of the clergy. But more important, this spirit of separation resulted in the disestablishment of the Anglican Church soon after the Revolution.

Although the political activity of the clergy increased in the years following the death of Commissary Blair and continued throughout the Revolution, it was never very extensive. Those relatively few clergymen who did participate in political activity did so on an individual basis. There was never any attempt by the clergy to form themselves into a unified political force with a desire to exert influence in the political life of the colony.

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